



# ENVIRONMENTAL ASSESSMENT BOARD

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VOLUME: IV

DATE: FRIDAY, MAY 13, 1988

BEFORE: M.I. JEFFERY, Q.C. Chairman  
E. MARTEL Member  
A. KOVEN Member

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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL  
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR  
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental  
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental  
Assessment for Timber Management on Crown  
Lands in Ontario;

- and -

IN THE MATTER of an Order-in-Council  
(O.C. 2449/87) authorizing the  
Environmental Assessment Board to  
administer a funding program, in  
connection with the environmental  
assessment hearing with respect to the  
Timber Management Class  
Environmental Assessment, and to  
distribute funds to qualified  
participants.

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Hearing held at the Ramada Prince Arthur  
Hotel, 17 North Cumberland St.  
Thunder Bay, Ontario, on Friday,  
May 13th, 1988, commencing  
at 8:30 a.m.

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VOLUME IV

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member





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I N D E X   O F   P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>RICHARD M. MONZON,</u> <u>LARRY A. DOUGLAS,</u> Resumed	516
Continued Direct Examination by Mr. Freidin	516





I N D E X      O F      E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No</u>
14	Chart representing MNR management system.	568





1       ---Upon commencing at 8:40 a.m.

2                   THE CHAIRMAN: Thank you, ladies and  
3 gentlemen.

4                   I apologize for the delay, it is simply  
5 early timing. We cannot even get here ourselves on  
6 time.

7                   Mr. Castrilli?

8                   MR. CASTRILLI: Yes, Mr. Chairman. I  
9 raised with Mr. Mander earlier and Mr. Freidin a  
10 concern I have with respect to a response to one of the  
11 interrogatories we filed on day one.

12                   I would like to bring a motion with  
13 respect to it at this time.

14                   MR. COSMAN: Mr. Chairman, perhaps we can  
15 work out a procedure so that if one party is unhappy  
16 that not everybody else has to sit and hear the  
17 argument. Perhaps special times for such motions could  
18 be established by you.

19                   I think it becomes an unnecessary waste  
20 of time if six or seven counsel, who may or may not be  
21 interested in the proceeding have to sit, and take the  
22 Board's time as well.

23                   THE CHAIRMAN: Well, that may be a  
24 helpful suggestion, Mr. Cosman.

25                   Have you advised other counsel what this

1 motion is about?

2 MR. COSMAN: No, Mr. Chairman.

3 MR. CASTRILLI: I am sorry, I did not  
4 advise Mr. Cosman, but I believe he is the only one.

5 THE CHAIRMAN: Well, the problem is: Is  
6 that these motions are going to arise from time to  
7 time, sometimes on rather short notice.

8 I know we could consider setting aside  
9 certain times of the week just to hear motions, you  
10 know, procedural motions or motions for production or  
11 something like that, but I think --

12 MR. CASTRILLI: I did raise this issue  
13 generally two days ago, but I didn't go into it at that  
14 time because I thought it would have been resolved. It  
15 only became evident yesterday after the hearing that it  
16 wasn't going to be.

17 THE CHAIRMAN: All right. Well, let us  
18 give some consideration to Mr. Cosman's suggestion of  
19 maybe working out a procedure whereby counsel who are  
20 not interested in the motion can at least make the  
21 choice to absent themselves, if they wish.

22 I think for the purposes of this motion  
23 today we will hear it now and just deal with it now.

24 MR. CASTRILLI: Thank you, Mr. Chairman.

25 In our interrogatory filed on April 11th,

1 we requested the production of all internal and  
2 external audits pertaining to environmental impacts and  
3 damage from forest management and timber management  
4 practices by FMA holders and others within the area of  
5 the undertaking for the period January 1980 to 1988.

6 Internal audits generally are referred to  
7 in the first panel's evidence at page 26, paragraph 65.

8 The Ministry of Natural Resources  
9 responded by letter dated April 19th, and within that  
10 letter they interpreted our interrogatory as a request  
11 related to the monitoring of timber management  
12 activities and a compliance and effectiveness  
13 monitoring which is the specific subject of Panel 16,  
14 as you are aware from the outline, that's where it is  
15 indicated it will be.

16 The problem I have with their response is  
17 really twofold. Firstly, the answer was not responsive  
18 to the question. The Ministry refers to internal  
19 audits of their programs in Panel 1.

20 When we asked for internal audits of a  
21 particular type, I would take the position they are  
22 obliged to advise us whether in fact they have such  
23 audits - or if they call them monitoring data or  
24 inspection reports or whatever - they should so  
25 indicate, whether or not they have them.



1                   We haven't had that response. We have  
2                   simply had an indication that the subject generally  
3                   will be dealt with in Panel 16.

4                   The second problem I have is that if they  
5                   do have such information, in whatever form or manner  
6                   they call it, it is far too late to wait until Panel 16  
7                   to receive it.

8                   The information we have requested bears  
9                   heavily on the adequacy and the weight of the evidence  
10                  to be given in Panels, in my opinion, 6 through 15, and  
11                  is particularly essential for Panels 10 through 15.

12                  So, in my opinion, to wait until Panel 16  
13                  to see this information for the first time will be  
14                  highly prejudicial to our case.

15                  Mr. Chairman, I just want to give you an  
16                  example of the kind of information we are talking  
17                  about. If you refer to the outline of evidence  
18                  provided by Mr. Freidin on the opening day of the  
19                  proceedings and turn to Panel 10 --

20                  THE CHAIRMAN: Just a moment. I am not  
21                  sure I have got that documentation in front of me.

22                  MR. CASTRILLI: I can provide the Board  
23                  with my copy, if you like.

24                  THE CHAIRMAN: We do have it here, thank  
25                  you. What page are you referring us to?

1 MR. CASTRILLI: Page 17, first paragraph.

2 THE CHAIRMAN: Yes.

3 MR. CASTRILLI: You will see there in the  
4 first paragraph:

5 "The panel will describe the  
6 environmental effects that are caused or  
7 might reasonably be expected to be caused  
8 by the various methods and systems of  
9 harvest and the actions that can be used  
10 to prevent, minimize or mitigate  
11 potential environmental affects."

12 Now, with respect, audits or monitoring or  
13 related type of information about actual on-the-ground  
14 environmental impacts from past logging practices or  
15 timber management practices, is clearly relevant to  
16 such a panel.

17 So there is no misunderstanding of what I  
18 am requesting, I am not asking Mr. Freidin to change  
19 the order of his witnesses, I am not asking him to  
20 bring Panel 16 forward to Panel 10 or anything of the  
21 like, but what I don't want to happen in Panel 16 is to  
22 be met with an objection that the monitoring -- the  
23 witness that I am questioning is not qualified to talk  
24 about logging practices or that I should have asked for  
25 the information earlier. That's why I brought the

1 motion now.

2 So the motion I am in fact requesting,  
3 Mr. Chairman, is that there be an order that the  
4 information requested in our interrogatory of April 11,  
5 1988 - by the way, it is question 9A in that letter -  
6 be provided as early as Panel 6, which is the first  
7 panel dealing with the environment to be affected and,  
8 in any event, no later than panel 10.

9 Those are my submissions.

10 THE CHAIRMAN: Mr. Freidin?

11 MR. FREIDIN: Well, Mr. Chairman, as I  
12 understand my friend's concern, it is that he is not  
13 going to be given full production in relation to  
14 environmental effects of certain activities. That's,  
15 in a general way, what I understand his position to be.

16 As you know, we have set out an order in  
17 which we believe all of this evidence should go in and  
18 we do intend, when we are dealing with each of these  
19 activities, to provide information both in relation to  
20 the potential positive effects and the potential  
21 negative effects of each of these activities.

22 I believe that the information in relation  
23 to those effects will be a full production and that the  
24 sort of information that is required to deal with the  
25 evidence in panel numbers -- I believe he says 6 to 15,



1 but essentially 10 to 15, will be provided along with  
2 the witness statements in relation to those panels.

3 THE CHAIRMAN: Well, yes, but Just hold  
4 on a second first. What is the prejudice to the  
5 Ministry for providing this earlier?

6 For instance, Mr. Castrilli indicated  
7 that he does not know from the response to his  
8 interrogatory whether or not in fact there are such  
9 audits.

10 That should be a relatively easy thing  
11 for the Ministry to ascertain, whether or not they were  
12 conducted and whether or not you have audits for the  
13 period 1980 through '88.

14 If you have them - and that is the case -  
15 then what is the problem with producing them earlier,  
16 notwithstanding that your witnesses will not get to  
17 deal with them necessarily until later panels?

18 Why shouldn't those parties who feel that  
19 there is some benefit for them to gain be apprised of  
20 this information at an earlier stage?

21 MR. FREIDIN: I believe one of the  
22 problems is in understanding -- well, Mr. Castrilli  
23 refers to specific internal and external audits  
24 pertaining to environmental impacts and damage from  
25 forest management and timber management practices by

1 FMA holders.

2 If Mr. Castrilli believes or has been  
3 referring to a specific type of audit that he believes  
4 exists as a separate type of audit, then he hasn't  
5 indicated, in my understanding, what specific  
6 information he has about those kinds of specific  
7 audits.

8 The Ministry doesn't have an audit which  
9 falls within that specific type of description.

10 THE CHAIRMAN: Well, okay. Rather than  
11 waste time back and forth resubmitting written  
12 interrogatories and getting responses in writing from  
13 you, why don't we just clear it up now.

14 What do you mean, Mr. Castrilli,  
15 specifically, so that the Ministry knows exactly what  
16 you want and then they can ascertain: (a) whether they  
17 have them, and then we will deal with the question of  
18 if they have them, when they should be produced.

19 MR. CASTRILLI: I use the terminology  
20 that they use in their material; they talk about  
21 audits, they talk about monitoring, they talk about  
22 inspection. I am not entirely certain how they collate  
23 or collect this data. I don't know that they do  
24 collect this data.

25 But I don't think the onus is on me to

1 describe to the Board, and to Mr. Freidin, exactly what  
2 it is they have since they are the ones in the best  
3 position to know what they have.

4 THE CHAIRMAN: Well, I think they  
5 probably know what they have, but we do not want to  
6 embark in these requests for information and production  
7 on fishing expeditions, as you well know, either before  
8 this Board or through other tribunals or courts.

9 I mean, you must have an idea of what  
10 kind of information you want.

11 MR. CASTRILLI: Sir, I can give you an  
12 example - I don't know that they have it - but, for  
13 example, there has been a provincial audit which was  
14 done, I believe two years ago.

15 Now, perhaps the Ministry internally from  
16 time to time at the various district levels has gone  
17 out and done field studies or field investigations or  
18 field monitoring to determine whether in fact FMA  
19 holders are conducting their practices in such a manner  
20 that environmental damage is resulting.

21 It might be in the form of a memorandum,  
22 it might be in the form of a letter, it might be in the  
23 form of an audit report as comprehensive as the  
24 Provincial Auditors; I don't know.

25 But I think that's more than sufficient



1 guidance to the Ministry to know exactly what it is I  
2 want.

3 THE CHAIRMAN: Well, Mr. Freidin, what  
4 kind of audits are conducted by the Ministry?

5 MR. FREIDIN: There are documents, and I  
6 can produce these and these are public documents - and  
7 I would have expected Mr. Castrilli already would have  
8 them - called Forest Management Agreement Reviews.

9 Those are public documents. They are  
10 documents which are put before the legislature which  
11 indicate a report on reviews of Forest Management  
12 Agreement holders' compliance with their contractual  
13 obligations, and there are sections of those reports  
14 which deal with field activities.

15 I don't want to be any more specific  
16 because I don't want to be misleading. I can certainly  
17 provide those.

18 THE CHAIRMAN: Okay. But there must be  
19 other documentation, other than just what is put before  
20 the legislature, surely, dealing with the audit  
21 question.

22 MR. FREIDIN: Yes, there are audits which  
23 are called Program Audits, which are conducted  
24 primarily by head office of the regions in terms of the  
25 delivery of their programs.

1 THE CHAIRMAN: What's the problem with  
2 producing those?

3 MR. FREIDIN: I am not sure there is a  
4 problem with producing those. I am not sure whether  
5 they are going to deal with Mr. Castrilli's concern.

6 I can certainly take a look at those and  
7 see whether they can be of assistance or deal with the  
8 matter that he is interested in.

9 THE CHAIRMAN: Are they privileged or  
10 confidential for some other purpose?

11 MR. FREIDIN: No, sir, we are not taking  
12 that position.

13 THE CHAIRMAN: Are there any other types  
14 of documents that you know that will fit into the  
15 category that he is talking about?

16 MR. FREIDIN: Of an audit?

17 THE CHAIRMAN: Of an audit nature. That  
18 is what you are after; is it not, Mr. Castrilli?

19 MR. CASTRILLI: Well, Mr. Chairman, as  
20 you know from the outline and also from the evidence in  
21 Panel 1, it is under the general heading of Monitoring  
22 and Evaluation. I suspect that if it is not called an  
23 audit, it has got to be something like an evaluation of  
24 particular damage event.

25 I want on-the-ground information, I don't

1       want generalities.

2                       MR. FREIDIN:  So do I understand he wants  
3       us to review all of the records of all of the  
4       ministries of all the district offices for an  
5       eight-year period and provide each specific incident  
6       which is recorded?

7                       THE CHAIRMAN:  No, no, no.  Well, that  
8       may be exactly what he means, but I am not sure that  
9       the Board is going to go along with that.

10                      What we are talking about here is  
11       documentation that the Ministry would have prepared to  
12       audit the performance in the field.

13                      Now, you mentioned a category which are  
14       audits which are filed with the provincial legislature.  
15       Okay, no problem, I would suggest, with producing  
16       those; they are public anyways.

17                      You have also indicated these other head  
18       office documents which evaluate the performance of some  
19       of the regions and you have indicated there is not  
20       necessarily any problem with producing those.

21                      Unless you are aware of any other  
22       documentation specifically under the heading of an  
23       audit or something that evaluates the performance of  
24       the various regions or districts, I think at this stage  
25       of the game that will be as far as the Board would go,



1 bearing in mind that you are going to be producing at  
2 some stage, through other panels, specific evidence  
3 dealing with the monitoring and evaluation question.

4 MR. FREIDIN: Yes, and I am just looking  
5 at the question and he is asking for audits which  
6 relate specifically to timber management practices by  
7 FMA holders.

8 MR. CASTRILLI: Or others -- and others,  
9 excuse me.

10 MR. FREIDIN: I'm sorry, and other  
11 licences.

12 THE CHAIRMAN: So what I think the Board  
13 is concerned with is: If the Ministry has this  
14 information - and obviously you have got some of it,  
15 you have admitted you have - is there any prejudice to  
16 the Ministry in not producing this earlier than when  
17 you are going to introduce it specifically by the  
18 panels?

19 I am not sure that the Board can find any  
20 such prejudice, but perhaps if you can, you can tell us  
21 about it.

22 MR. FREIDIN: These are documents which  
23 we were going to produce in any event in a later panel,  
24 and I don't see that -- I can't say that there is any  
25 prejudice to providing the material before Panel No.

1       10, I just -- even the program audits that I referred  
2       to are not directed to reviewing the management  
3       practices of FMA holders or directed even solely to the  
4       performance in the field.

5               THE CHAIRMAN: But you cannot say that  
6       they do not contain information--

7               MR. FREIDIN: They may contain some  
8       information.

9               THE CHAIRMAN: --necessarily relevant to  
10      those areas?

11              MR. FREIDIN: I am certainly not saying  
12      that, so...

13              THE CHAIRMAN: Okay. Just one second.  
14      Are you finished?

15              MR. FREIDIN: Yes.

16              MR. MARTEL: I read in the documentation  
17      where it said that all of the requirements of the FMAs  
18      have been in fact met, except volume which was not --  
19      there wasn't as much cut as predicted. That's in the  
20      documentation presented to us.

21              And if one is monitoring the incidences  
22      that could have occurred, is there no compilation of  
23      that in any way, shape or form? Does the Ministry not  
24      keep track of it, because you keep saying they are  
25      doing monitoring and yet it is not -- how can you make

1 a statement like that, from my personal point of view,  
2 without compiling it?

3 MR. FREIDIN: I cannot indicate that  
4 there are specific compilations and pulling together in  
5 one place of the kind of records that you are referring  
6 to.

7 There are breaches of the Crown Timber  
8 Act which deal with wasteful practices and may or may  
9 not be included in the sort of thing that Mr. Castrilli  
10 is asking for.

11 As I understand it, that information is  
12 in existence, it is in the districts. It may or may  
13 not be all pulled together in one place.

14 And so, therefore, you say: Here is a  
15 record of all of the offences of wasteful practice in  
16 the year. That sort of thing I don't believe is  
17 available.

18 But I understand what Mr. Castrilli's  
19 position is and I don't want to make things difficult  
20 for him, that's certainly not the purpose.

21 THE CHAIRMAN: Okay. Mr. Freidin, when  
22 could you provide this information? You could  
23 certainly provide it -- I mean we are up to Panel 4,  
24 you could certainly provide it before Panel 10; could  
25 you not?



1 MR. FREIDIN: I believe so, yes.

2 THE CHAIRMAN: Would that satisfy you,  
3 Mr. Castrilli?

4 MR. CASTRILLI: That will be acceptable,  
5 Mr. Chairman. I would -- if there is information with  
6 respect to breaches of the Crown Timber Act that can be  
7 pulled together by Panel 10, I would ask for that as  
8 well as that relates to what I asked for initially.

9 The reason why, by the way, I chose  
10 January, 1980 is because that is when, I understand,  
11 the new amendments to the Crown Timber Act kicked into  
12 place.

13 THE CHAIRMAN: Mr. Edwards?

14 MR. EDWARDS: Mr. Chairman, I want to  
15 speak to Mr. Castrilli's motion in support of it, but I  
16 would like to modify it a bit, if I could. And I think  
17 that Mr. Freidin should give us his undertaking that he  
18 is going to let us know what form this information is  
19 in.

20 The use of the word audit is usually a  
21 very narrow use and perhaps it is not in the form of an  
22 audit. There must be something there somewhere. And,  
23 clearly, I think we should know what form it is in.

24 If we know what form it is in, then we  
25 could start arguing as to whether or not it should be

1 produced. We are not expecting them to produce eight  
2 years' of documents from every region.

3 THE CHAIRMAN: Okay. Mr. Edwards, I hear  
4 what you are saying, but I think at this stage we are  
5 not prepared to force the proponent to canvass eight  
6 years' of documentation amongst all the regions in the  
7 province to see whether or not it includes information  
8 which could be put into the category of what Mr.  
9 Castrilli is talking about.

10 I mean, at this point in time, they are  
11 aware of certain documentation. I think Mr. Freidin  
12 has explained that there are audits, there are also  
13 reviews by head office of various districts, they know  
14 about that; they also know about breaches of the Crown  
15 Timber Act and offences that have been filed and things  
16 like that.

17 I think that for them to have to search  
18 through everything, just to see if there is a document  
19 that falls within this category, is asking too much.

20 I think what we might ask them to do:  
21 Mr. Freidin, if you wouldn't mind considering what was  
22 just said in the light of consulting with your clients  
23 to ensure that the type of information they are  
24 seeking, if it is available, will be produced in the  
25 sense that we are not asking you to search your records

1 through the complete Ministry for the last eight years,  
2 but consult with your clients to see whether or not  
3 they are aware of categories where this information may  
4 be compiled, whether or not it is under the heading of  
5 a document called an audit and be willing to produce  
6 that in a timely fashion.

7 MR. EDWARDS: Mr. Chairman, if I might.  
8 I wasn't asking for production of every document to be  
9 produced. Surely, these documents that are presented  
10 to the legislature must have some background material.  
11 They must compile it in some fashion.

12 I am not asking for all of the raw data.  
13 The Ministry must have some system, one hopes, of  
14 compiling this and, surely, that ought not be difficult  
15 to identify the system. And once we find out what is  
16 in the system, then we can argue about its production.

17 THE CHAIRMAN: All right. Why don't we  
18 resolve it this way: Why don't we have the Ministry  
19 conduct the necessary enquiry internally.

20 And, Mr. Freidin, the Board would like  
21 you to produce a list on a piece of paper of the  
22 documentation that you think you can produce dealing  
23 with this question, and that could be distributed to  
24 our friends, Mr. Edwards -- well, all counsel for that  
25 matter, and if they are aware of something beyond that,

1 specifically they could then approach the Board.

2 In other words, the onus is on you to  
3 say: Here is what we have got, and then they can go  
4 from there.

5 MR. FREIDIN: Can I have one moment to  
6 consult with my client.

7 ---Discussion off the record

8 THE CHAIRMAN: Mr. Freidin?

9 MR. FREIDIN: Yes. We will produce a  
10 list which will attempt to address the concerns that  
11 are here.

12 I would just like to repeat that and I --  
13 so that once that list is prepared, I would like to  
14 reserve the opportunity to perhaps indicate why it  
15 would be more logical to produce some of that material  
16 in relation to a panel after 10 and why that would not  
17 be prejudicial.

18 I mean, we will have to see what that  
19 list is and that will be of assistance.

20 THE CHAIRMAN: Okay. Well, I think it is  
21 unfair to your side to force you at this stage, when  
22 you do not know exactly what will be on that list, to  
23 comment on whether you feel it will be prejudicial to  
24 produce it earlier or not.

25 So, obviously, I think in fairness you



1 get the opportunity to say what the list is and then  
2 argue whether or not it is prejudicial to produce it  
3 earlier.

4 But I would suggest to you: In  
5 considering the prejudicial question, that if it is  
6 produced earlier, it will not be addressed really, in  
7 essence, other than by your panel dealing with it in  
8 direct or in cross-examination of any earlier panel.

9 And the point is: When you do deal with  
10 the monitoring question and the enforcement question in  
11 a general way throughout all of your panels, more or  
12 less -- I mean, I am sure your panels, most of them  
13 that will be called, will be dealing with aspects of  
14 that question, and I think this is relevant.

15 And, you know, unless I think you can  
16 prove to the Board there is a very great prejudice to  
17 the Ministry in not producing it earlier, I think we  
18 would probably be predisposed towards ordering that it  
19 is produced at an earlier stage.

20 In any event, in order to foreclose a  
21 more lengthy examination of this question later, I  
22 think it is the ruling of the Board at this time for  
23 you to produce the list of what you have got dealing  
24 with this question, distribute it amongst counsel, and  
25 indicate with respect to the material on that list when

1 the Ministry is willing to produce it. And I would  
2 suggest that most of that information should be  
3 available to be produced prior to Panel 10.

4 You can reserve your right to deal with  
5 the specific document or category of documents on that  
6 list to argue that it should be produced at a later  
7 stage.

8 MS. SEABORN: Mr. Chairman, I would just  
9 like to say, in light of Mr. Freidin's last comment,  
10 that if this issue does arise in the future, which I  
11 expect it may well do with respect to interrogatories,  
12 that it is our position that where the Ministry is  
13 going to be producing information in response to a  
14 later panel anyway, that that information should be  
15 provided to the parties as early as possible.

16 THE CHAIRMAN: Well, I think the Board is  
17 in general agreement with that simply because the  
18 information is going to come out in one form or  
19 another.

20 We are not saying to the Ministry that  
21 they cannot deal with it as they see fit with their  
22 witnesses, when they see fit, but if the information is  
23 going to be before the Board at some point, why should  
24 it not be out in the public realm, so to speak, so that  
25 the parties who are preparing for cross-examination

1       have it within their knowledge.

2                   MR. FREIDIN: Well, I understand their  
3       position but, you know, some of this documentation is  
4       being pulled together, it is not all pulled together.  
5       I have concern about providing piecemeal information in  
6       relation to certain topics. The information is all  
7       being pulled together so that certain matters can be  
8       dealt with fully in a specific panel, and that is  
9       why -- I hear what Ms. Seaborn is saying but, in some  
10      cases, I don't think that is going to help anyone, to  
11      get it a piecemeal production.

12                   And, in fact, those are the situations  
13      where it is prejudicial to my client to be giving part  
14      of a document, but not all of them so that the total  
15      picture can be seen. But...

16                   THE CHAIRMAN: Well, let's proceed on the  
17      basis of this first motion dealing with the audit  
18      question and, as Ms. Seaborn says, I am sure it will  
19      raise its head from time to time throughout and I guess  
20      we will have to deal with it on a more specific basis.

21                   Mr. Cosman?

22                   MR. COSMAN: Yes. Thank you, Mr.  
23      Jeffery.

24                   Mr. Chairman, I would like to raise a  
25      question having to do with procedural fairness for

1 future such motions.

2 In addition to my request that perhaps  
3 specific times be allocated by the Board, I would  
4 expect that counsel would give notice of such motions.

5 Firstly, I may want to make submissions.  
6 Obviously, I had no opportunity to do so, I didn't even  
7 know this was going to be raised.

8 Secondly, there may be times - although I  
9 don't believe this is one of them - when documents may  
10 be the subject of privilege, confidentiality --  
11 confidential informations provided to the government  
12 for the purposes of the government doing its regulatory  
13 function, but it may be matters that, in law, are  
14 privileged where a company's confidential information  
15 is provided on a special basis.

16 Now, if a motion is argued without  
17 notice...

18 THE CHAIRMAN: That is certainly why the  
19 Board enquired of Mr. Freidin whether or not there was  
20 a reason why this documentation could not be produced,  
21 whether it was subject to privilege or anything like  
22 that.

23 MR. COSMAN: Yes. And there may be times  
24 when we may even disagree on that and that is why  
25 advance notice would be, I suggest, procedurally fair.



1                   THE CHAIRMAN: I think it is quite in  
2 order, Mr. Castrilli and others, that if you are going  
3 to bring a motion there has to be notice to the other  
4 parties. As you know, the Rules of Practice of the  
5 Board indicate that if motions are brought at the  
6 hearing there should be some notice.

7                   We can usually deal with these things  
8 relatively quickly. We certainly do not want to  
9 adjourn the hearings, unless it is a motion that is  
10 extremely important to the proceeding going on. And,  
11 if you do have these types of motions, you should be  
12 serving your motion or informing the parties in some  
13 fair manner ahead of time so that they have an  
14 opportunity to respond and prepare themselves.

15                  And I would say something like two days  
16 would probably be an appropriate notice period for  
17 motions brought at a hearing of this type.

18                  Again, if there is a particular type of  
19 motion that requires an earlier disposition, then I  
20 think you should advise the Board and the Board will  
21 make a ruling in connection therewith.

22                  MR. FREIDIN: Just one comment. I don't  
23 know what is going to be on that list, so I certainly  
24 reserve the right to claim any privilege in relation to  
25 any documents which are on that list.

1           The comment I made about there not being  
2   any claim for privilege with those program audits,  
3   there may be -- if there are certain sections, upon  
4   reviewing them, which I believe would be subject to  
5   that privilege, I assume that I would be in a position  
6   to claim that privilege.

7           THE CHAIRMAN: Yes, that is entirely  
8   within your rights and we will certainly hear your  
9   motion of privilege.

10          Okay. I guess before we just get into  
11   the evidence, I just want to raise one more thing, Ms.  
12   Seaborn, this is both for you and Mr. Freidin, and that  
13   is with respect to the matter we raised yesterday  
14   concerning the exemption orders.

15          The Board would like, when you are  
16   dealing with this question - because we want to have a  
17   very clear picture of exactly what has been exempted -  
18   and, if you recall from the evidence yesterday and the  
19   documentation, there was a page listing the various  
20   exemption orders indicating their expiry dates and  
21   whether some of them were temporary or not, and then  
22   there was paragraph 8 of the particular exemption order  
23   that dealt with the question of exemption relating to  
24   this specific hearing.

25          And what the Board would like to find out

1       when you are going to address this question - and I  
2       hope you are going to do it at an early stage next  
3       week - is: What exactly do those exemption orders  
4       cover, what has been exempted, and both the Ministry of  
5       the Environment and the Ministry of Natural Resources  
6       are going to deal with the question of what their  
7       respective understandings are in connection with the  
8       terminology used in the exemption orders.

9               And by that I mean: The phrase forest  
10       management is used and the undertaking was amended or  
11       changed to read timber management. What are the effect  
12       of those exemption orders concerning that difference in  
13       terminology, because all of us should know at the  
14       beginning - this is most important for the Board - as  
15       to what issues can or cannot be raised later on if  
16       there is a difference in terms of the terminology used.

17              If we are dealing with timber management  
18       and that activity and the four heads under that  
19       activity that were expounded by Mr. Freidin yesterday,  
20       that is one side of the coin, and if we are dealing  
21       with forest management which may include additional  
22       activities, that is something else.

23              I think it is important that all of us at  
24       the outset of this hearing have a clear understanding  
25       of what the jurisdiction of the Board is in connection

1 with this application.

2 MS. SEABORN: Mr. Chairman, perhaps I  
3 might consult with Mr. Freidin at the break upon the  
4 time for this issue to be addressed. So in light of  
5 Mr. Cosman's comments, all counsel, there are some  
6 counsel who may be interested in this issue and are not  
7 here today.

8 THE CHAIRMAN: I am sure there are  
9 counsel who are interested in that issue and may not be  
10 here today.

11 I think the Board would consider this  
12 particular discussion and this particular issue to be  
13 of considerable importance and, therefore, there should  
14 be discussion between counsel that this is going to be  
15 raised and will be dealt with at a particular time.

16 Once again, there is no harm at this  
17 stage of the game in going on with the evidence. We  
18 are not going to hold up the proceedings until we get  
19 the answers to this issue. So it does not necessarily  
20 have to be argued at the beginning of next week or  
21 anything else, but what we are saying is that all  
22 parties and counsel should be advised that this will be  
23 dealt with so that they can participate in the  
24 discussion and put forward their own client's  
25 positions, but we would like it dealt with relatively



1       soon.

2                   And perhaps in the light of what Mr.  
3       Cosman said, maybe we can actually set a time to deal  
4       with this.

5                   MS. SEABORN: I would prefer that if you  
6       could do that, but perhaps I can speak to Mr. Freidin  
7       and some of the counsel who are here at the break about  
8       a convenient time.

9                   THE CHAIRMAN: All right. Why don't you  
10      advise the Board afterwards what time you feel you  
11      could argue this particular issue, and we will then set  
12      a time, and then Mr. Mander will be in a position to  
13      inform anybody who contacts him as to when this issue  
14      will be dealt with as well.

15                  Very well. Mr. Freidin, sorry for the  
16      delay in starting, but we can now commence with the  
17      evidence.

18                               RICK MONZON,  
19                               LARRY DOUGLAS, Resumed

20      DIRECT EXAMINATION BY MR. FREIDIN: (Cont'd)

21                  Q. Mr. Douglas, when you became the  
22      supervisor of land use planning in 1982, what was the  
23      status of the land use planning exercise?

24                  MR. DOUGLAS: A. As Mr. Monzon has  
25      identified yesterday, the Strategic Land Use Plans for

1 the three planning regions had been completed in 1982,  
2 and in June of 1983 the District Land Use Guidelines  
3 for the majority of districts in the province had been  
4 completed.

5 Q. And if I could refer you to paragraph  
6 37 of the witness statement, it indicates that in 1984  
7 the Ministry reviewed the state of integrated resource  
8 management within its organization with the intent of  
9 enhancing it.

10 Did you have any personal involvement in  
11 that review?

12 A. That review was undertaken under my  
13 supervision.

14 Q. And could you describe the nature of  
15 that review?

16 A. Yes. Once we had completed the land  
17 use planning exercise, I believe all of us who had some  
18 involvement one way or another saw the value of that  
19 towards integrated resource management and we were  
20 determined to make sure that all those benefits, all  
21 those lessons we had learned were passed on to the next  
22 level of planning which is resource management  
23 planning.

24 As well, we wanted to make sure that all  
25 components of our management system were put together

1 in a way to favour this.

2 Q. Could you generally indicate how you  
3 went about obtaining information that would assist you  
4 in this particular review? Just generally, how did you  
5 conduct the review?

6 A. Well, the process we have undertaken  
7 is one that is quite often undertaken in the Ministry  
8 for these kinds of things.

9 What we did was we pulled together some  
10 of the people who probably had the most experience  
11 planning in general. We then put together a paper, we  
12 reviewed it with the technical planning staff in our  
13 various regions, and then we put all that together into  
14 a general review paper.

15 That review paper was sent out to each  
16 one of our program groups in Toronto, was sent to each  
17 one of our eight regions.

18 Once that occurred, we had meetings with  
19 these individual groups. We went up to each one of the  
20 eight regions and sat down with the program specialists  
21 in that region, we sat down with the district managers  
22 in that region, and we discussed each of the concepts  
23 and the proposals that we had made.

24 Based on that, we pulled together the  
25 various views and then produced the report to

1 management in terms of how we should proceed in  
2 furthering integrated resource management in the  
3 Ministry.

4 Q. Paragraph 35 indicates -- well, when  
5 you did that review, was your attention directed at any  
6 particular level of what you will refer to in your  
7 later evidence as the management system?

8 A. Yes, very much so. We wanted to make  
9 sure that, in particular, integrated resource  
10 management applied in its full force at the resource  
11 management planning level.

12 Q. And could you explain what resource  
13 management planning is?

14 A. Resource management planning is a  
15 process in which you end up with a prescribed set of  
16 activities, projects, operations to be undertaken to  
17 achieve specific results or objectives.

18 A timber management plan is an example of  
19 a resource management plan.

20 Q. And how does that plan compare to the  
21 type of plan or document that gets produced in the land  
22 use planning exercise described by Mr. Monzon?

23 A. Well, resource management plans tend  
24 to be far more specific than land use plans. They talk  
25 about specific activities that are to be undertaken to



1       achieve the objectives, the on-the-ground activities  
2       that Mr. Monzon referred to.

3               Generally speaking, resource management  
4       plans deal with a shorter time frame, they often deal  
5       with one resource and I would say, in general, they  
6       concentrate on the more immediate future, sort of the  
7       five-year time frame normally.

8               Q.   And what about the geographical area  
9       of the two types of documents, the resource management  
10      plan on the one hand, and the District Land Use  
11      Guideline on the other?

12              A.   The resource management plans  
13      generally tend to deal with smaller areas, for example,  
14      forest management units within a district or individual  
15      provincial parks within a district.

16              Q.   When you conducted this review, was  
17      there any concern about levels of what you will refer  
18      to later as your management system other than resource  
19      management planning that you have just described?

20              A.   Yes, there was.

21              We were interested in all levels. We  
22      were wanting to make sure that policies were developed  
23      in such a way that they could be implemented in a  
24      integrated manner. We wanted to make sure that, for  
25      example, we carried out operations in an integrated

1 manner as well.

2 I can speak to that further when we  
3 describe the management system.

4 Q. What was the result of the review,  
5 this review of integrated resource management?

6 A. There was two results. The first one  
7 was the Deputy's Statement of Integrated Resource  
8 Management Philosophy, and Mr. Monzon described this to  
9 the Board yesterday.

10 The second was a document called the  
11 Framework for Resource Management Planning within the  
12 Ministry of Natural Resources.

13 Q. And does that framework document form  
14 part of the material?

15 A. Yes, it does.

16 Q. You will find it at page 186 --  
17 commencing at page 186.

18 A. Yes.

19 Q. Could you give us a general  
20 description of what this document is, Mr. Douglas?

21 A. It is a broad framework to identify  
22 how resource management planning is to be undertaken  
23 within the Ministry of Natural Resources.

24 Q. And who is its intended audience?

25 A. The primary audience for this

1 document are the program staff and main office who  
2 develop the more specific and detailed manuals for  
3 undertaking resource management planning; for example,  
4 timber management.

5           There are other audiences. These, for  
6 example, would include all staff in the Ministry that  
7 are involved in resource management planning. Some of  
8 these resource management plans are developed in cases  
9 where there are not single or specific guidelines and,  
10 in this sense, this document gives directions to deal  
11 with those situations.

12           I guess the other audience, of course, is  
13 people outside the Ministry. This document gives a  
14 sense of how MNR approached resource management  
15 planning and that way it is useful for other  
16 ministries, for example, it is useful for the various  
17 stakeholders that we deal with and it is useful for the  
18 general public.

19           Q. Now, is there a primary audience, is  
20 there a primary group that it is directed to?

21           A. Yes. As I mentioned, the primary  
22 groups are those main office program groups, such as  
23 the outdoor recreation program, the forestry program,  
24 and the lands and waters program. Each of these tend  
25 to develop more specific and detailed manuals dealing

1 with their resources.

2 When you get down to looking at a  
3 specific resource, each of these has their own  
4 peculiarities and you would have to interpret this  
5 general guideline in the context of the peculiar  
6 requirements and characteristics of individual  
7 resources.

8 Q. These more specific manuals that you  
9 refer to, these program groups, you say they tend to  
10 prepare more specific manuals regarding their  
11 resources. What kind of manuals are you referring to?

12 A. These are planning manuals. To give  
13 you some more examples. As well as the Timber  
14 Management Planning Manual, there is a manual for  
15 Fisheries Management Planning, and there is a manual  
16 for preparing Provincial Park Management Plans.

17 Q. And I understand that you are more  
18 familiar with the latter type of plan -- pardon me, of  
19 manual, dealing with parks?

20 A. I believe I have general knowledge of  
21 all three, not a specific knowledge of any one in  
22 particular.

23 Q. Could you just pick one and just sort  
24 of give a general idea of what this sort of manual  
25 would actually do and how these manuals are supposed to



1       be used?

2                   A. Each of these manuals outline how  
3 planning is to be undertaken for that particular  
4 resource, what is the format, the structure of the  
5 plan; there is an identification of the kind of data  
6 that should be in those plans, there is a description  
7 of the various principles that should be followed in  
8 developing each one of those plans, who is responsible  
9 for preparing them, what are the amendment procedures  
10 for these, that kind of stuff.

11                  Q. And the principles, you said that --  
12 you know, there is reference to certain principles. Is  
13 that matter discussed in this framework document?

14                  A. Yes, that is one of the key sections  
15 in the document. If you turn to page 198, the  
16 principles for resource management planning are  
17 outlined - there are 12 of them - and these are  
18 principles that, in general, apply to the various kinds  
19 of resource management plans that MNR produces.

20                  Q. Perhaps, Mr. Douglas, you can go  
21 through those principles and, as we discussed, where  
22 you believe your evidence would be repetitious of that  
23 of Mr. Monzon, you can perhaps not spend a great deal  
24 of time on those matters.

25                  A. The first principle that we have is

1 on 198 and it says:

2 "Resource management planning is  
3 undertaken to achieve objectives and  
4 targets approved in the District Land Use  
5 Guidelines."

6 As Mr. Monzon indicated yesterday, the  
7 District Land Use Guidelines give co-ordinated sets of  
8 targets for a district.

9 When we get down to the resource  
10 management planning level, the objective is to define  
11 those specific activities that need to be undertaken to  
12 achieve the results that were identified.

13 Now, also as Mr. Monzon has identified to  
14 us, when you go down to that more detailed level  
15 sometimes you find out that there is a need to revise  
16 those targets that are in the District Land Use  
17 Guidelines. We have a formal procedure for doing that.  
18 So there is this up and down.

19 Just as Mr. Monzon described, the fact  
20 that when you went down from the regional level to the  
21 district level, you got more information, you got a  
22 better idea of what was out there and what you could  
23 really do, when you get to resource management  
24 planning, you have a better idea of what the resources  
25 are, you have more detailed information, you have more

1 site-specific planning underway and you may find that  
2 it becomes necessary to go back and adjust those  
3 targets or -- which are in the District Land Use  
4 Guideline.

5 Q. The next principle of public  
6 consultation, Mr. Monzon spent some time on that --  
7 considerable time on that. Is there something that you  
8 believe should be added in relation to public  
9 consultation?

10 A. Well, I think the thing I want to  
11 stress about public consultation is that I see this as  
12 very important in adding to the creativity of the  
13 solutions in planning. When you bring the public in,  
14 you get different perspectives, you get new ideas of  
15 how to deal with issues.

16 And just as we indicated earlier that  
17 there is advantages to an interdisciplinary team within  
18 the Ministry, you get creativity created there, you get  
19 creativity when you bring the public in, and some of  
20 the ideas that certainly were in the District Land Use  
21 Guidelines came directly from the public.

22 Q. The third principle is that resource  
23 management plans are to be concise and free from  
24 jargon.

25 A. Yes. I put that principle in there

1 primarily directed at myself, but I guess it applies to  
2 many planners.

3 What we are trying to say is that these  
4 documents, even though they are technical documents, we  
5 should strive to make them understandable to as wide a  
6 range of people as possible.

7 We can't always do this, but if you can  
8 put some of the technical detail in appendices and  
9 write the plan in language that can be understood, not  
10 only by the people in the particular program, but as  
11 well by people in other programs in the Ministry, other  
12 ministries and the public, it certainly assists in  
13 implementation.

14 Q. Perhaps you could just continue on,  
15 Mr. Douglas, and deal with each of the items.

16 A. The fourth principle states that in  
17 the resource management planning process optional  
18 strategies to achieve targets must be stated and  
19 conveyed to the public.

20 Again, just as Mr. Monzon identified that  
21 when District Land Use Guidelines went to the public  
22 there were optional configurations of land uses for  
23 which public comment was requested; again, in resource  
24 management planning that occurs on a more detailed  
25 level.



1                   For example, in park management planning  
2                   you find that the Ministry will take to the public  
3                   different zoning configurations within that park,  
4                   identify that there may be different places where the  
5                   camp grounds and facilities should go versus areas  
6                   where hiking would be concentrated.

7                   So there are different strategies for  
8                   achieving the basic results that were identified  
9                   earlier.

10                  Q. Those particular strategies are to  
11                  be found in the documents?

12                  A. Yes, they would be identified in the  
13                  individual documents. They would be defined early in  
14                  the planning process.

15                  Q. I guess the next one goes almost  
16                  without saying, that all resource management planning  
17                  must recognize the statutory obligations pertinent to  
18                  legislation?

19                  A. Yes, and certainly approval under the  
20                  Environmental Assessment Act of timber management will  
21                  have a clear set of conditions for timber management.

22                  Q. In the sixth principle, it states:  
23                  "Resource management planning is carried  
24                  out in order to provide managers with  
25                  direction on how resources are to be

1 managed."

2 Perhaps you could explain that and  
3 include in your response who these managers are that  
4 are referred to?

5 A. Yes. This objective is aimed at the  
6 fact that there is a tendency for plans to be vague.  
7 When they are vague, the actions that are needed to  
8 implement them aren't always clear and we just don't  
9 have -- we don't have the level of clarity that's  
10 necessary.

11 What we are trying to do is make it clear  
12 that when somebody picks up one of those plans it is  
13 clear what has to be done to achieve those objectives,  
14 and that has to be clear, not only to the manager in  
15 the individual program that's preparing that, it has to  
16 be clear to the other managers, for example, in the  
17 district; it must be clear to the district manager who  
18 has responsibility for implementing all of those  
19 resource management plans in the district.

20 As well, it has to be clear to the  
21 regional director, the next line manager up in the  
22 hierarchy who is responsible for co-ordinating funding  
23 across the region.

24 Q. What about the time frame covered by  
25 resource management plans, Mr. Douglas, do they vary

1 from one resource to another?

2 A. Yes, they do. You have a timber  
3 management plan with a five-year operating time frame.  
4 In terms of fisheries management plans, you have a  
5 target date in numbers, that I believe is the year 2000  
6 which is, I guess, 12 years now.

7 So there are variations, and these tend  
8 to be based on the particular characteristics of the  
9 resource and the kinds of activities that you undertake  
10 in order to achieve the objectives.

11 Q. In terms of the geography or the  
12 geographical area which may be covered by a resource  
13 management plan, are there differences in that respect  
14 when you compare one resource as against another?

15 A. Well, certainly there are. In the  
16 case of a fisheries management plan, you have one plan  
17 for the entire district, so you have an area which  
18 lines right up with the district boundaries.

19 In cases of parks, you can have several  
20 parks within an individual district. You may have five  
21 or six, for example.

22 In cases of forest management units, you  
23 would have, as Mr. Monzon indicated, perhaps three or  
24 four, and the boundaries of those forest management  
25 units do not necessarily coincide with district

1 boundaries. So you have a variation.

2 Q. Are there any resources which are  
3 managed at this resource management level in an area  
4 which is greater than the geographical area of a  
5 district?

6 A. It is generally not the case.

7 Q. If we can move on, Mr. Douglas, to  
8 the seventh principle, which is the resource management  
9 planning, the resource to use a team approach. Again,  
10 this deals with interdisciplinary planning people as  
11 indicated in the third line.

12 Again, without repeating or trying not to  
13 repeat a lot of the evidence of Mr. Monzon, could you  
14 address this principle?

15 A. Well, this is an area in which -- I  
16 guess I have a particularly bias in favour of. As you  
17 indicated in my qualifications, I spent a lot of time  
18 dealing with interdisciplinary teams, and I feel very  
19 strongly that this is, to a large extent, probably one  
20 of the guts of integrated resource management.

21 If you have an interdisciplinary team and  
22 that team is working well together, you will find  
23 benefits of three or four types. At the beginning, you  
24 get a clear understanding of what data is necessary and  
25 what form is necessary.



1                   When you go to the stage of issues, you  
2                   get a clear identification of what the issues are from  
3                   various perspectives, and I certainly watched over time  
4                   bringing different disciplines together and it is not  
5                   an easy process.

6                   At the beginning they are a little  
7                   suspicious and they guard their territory, but after a  
8                   while they start talking together, they start  
9                   understanding that each has a lot to contribute, and  
10                  you find that you get different ideas of what the  
11                  issues are by the dialogue among those people.

12                  Once you have got the issues clear, you  
13                  find that you get better options created because there  
14                  is an understanding of the range of implication and you  
15                  come up with options that tend to be more creative, and  
16                  not only more creative but more feasible because they  
17                  are developed within a broader context.

18                  Even after you have got the various  
19                  options developed and you have selected one, again,  
20                  your interdisciplinary team can tell you what kind of  
21                  mitigation measures may be necessary to implement that  
22                  plan.

23                  And, again, the fact that you have people  
24                  with real experience and real knowledge, you end up  
25                  with those kinds of conditions that tend to be

1 practical and tend to go to the heart of what you are  
2 trying to achieve. So I am a big fan of this one.

3 Q. The document indicates that  
4 representatives of all key interests will be on the  
5 planning team. Could you perhaps just expand a bit on  
6 what is meant by key interests?

7 A. Well, most resource management  
8 planning takes place at the district level and at that  
9 level you will have, for example, a forester, you may  
10 have one or two biologists, you will certainly have a  
11 general biologist and you may very well be into a  
12 fisheries biologist, you may wvery well be into a moose  
13 biologist.

14 You may have, for example, an engineer on  
15 that team, you could have certainly land specialists on  
16 that team, you would have perhaps a park planner -  
17 someone that is familiar with the non-fish and wildlife  
18 component of our outdoor recreation - that person would  
19 tend to be knowledgeable in tourism.

20 That's some idea of the range of people  
21 who would be involved, and as they represent different  
22 programs there is normally a link back to different  
23 disciplines; the forester obviously is the forester.  
24 When you get to the planner they may come from  
25 different categories.

1                   THE CHAIRMAN: Mr. Douglas, when you talk  
2 about these management teams, is there any situations  
3 where other than MNR staff will be involved, such as  
4 representatives of the public or representatives of key  
5 stakeholders which will be affected by the plans in  
6 this particular area, or is this too early a stage for  
7 that kind of involvement?

8                   MR. DOUGLAS: We certainly involved staff  
9 from the Ministry of Tourism and Recreation on these  
10 planning teams.

11                  THE CHAIRMAN: But that's still  
12 government. Is there anyone outside of government  
13 involved in this planning stage.

14                  MR. DOUGLAS: Not in a formal sense, but  
15 there is certainly contact with those people.

16                  One of the things that is done early in  
17 this process is: There is an assignment of the various  
18 interests and, for example, the person from maybe the  
19 outdoor recreation program, that person would be told  
20 that he is supposed to bring to the table not only his  
21 internal interests, but related interests.

22                  He would be the person that would be  
23 responsible for identifying particular cultural and  
24 heritage resources that have to be taken into account,  
25 tourism interests.

1                   So where there is clearly identified a  
2 broader interest than in the Ministry, there would be  
3 an assignment, two individuals to represent those  
4 interests on that team.

5                   THE CHAIRMAN: But the input would  
6 essentially be secondhand knowledge--

7                   MR. DOUGLAS: That's right.

8                   THE CHAIRMAN: --would that not be the  
9 case--

10                  MR. DOUGLAS: That's right.

11                  THE CHAIRMAN: --that was conveyed to the  
12 planning team by somebody who has, in turn, been in  
13 contact with the affected interests?

14                  MR. DOUGLAS: Yes, that's correct.

15                  THE CHAIRMAN: Okay.

16                  MR. FREIDIN: Q. Is there a rationale  
17 for following that general pattern that you just  
18 described?

19                  MR. DOUGLAS: A. Yes, there are  
20 practical reasons. Like most exercises, you get a  
21 committee too large it doesn't work very well.

22                  Secondly, you have the other practical  
23 problem that: Where do you stop? You can start -- if  
24 you have a planning team of five or six people on it  
25 they work quite well, but if you start moving it, it



1 gets up to 12, 15, 18 and it simply doesn't work.

2 We are open to particular situations  
3 where there is a peculiar interest and it is very  
4 substantial, but as a general rule we try to keep it  
5 down to the number I indicated.

6 Q. We are going to be talking about  
7 timber management planning and how those particular  
8 planning systems work in much more detail in Panel 15  
9 but, in a general sense, who appoints or selects the  
10 planning team? Is there a general rule about that or a  
11 general approach to that?

12 A. The district manager is responsible  
13 for all resource management planning in his district or  
14 her district and that person has the ultimate  
15 responsibility.

16 Q. You made a comment when you were  
17 dealing with this particular issue and you said that  
18 resource management planning takes place at the  
19 district level?

20 A. That is correct.

21 Q. And I am just wondering whether you  
22 could clarify one matter. There are -- for instance,  
23 there could be three forest management units in a  
24 district?

25 A. That is correct.

1                   Q. And is there a separate plan for each  
2 of those management units?

3                   A. Yes, there is.

4                   Q. What do you mean then when you say  
5 that that planning takes place at the district level?

6                   A. Well, for planning purposes, each of  
7 those management units would be assigned to a  
8 particular district. A simple example, if 90 per cent  
9 of the unit was in one district, the planning  
10 responsibility would be in the district where the 90  
11 per cent of the area is. That would be determined  
12 right up front.

13                  Q. The people who sit on these planning  
14 committees or planning teams, what part of the  
15 organizational structure and where do they come from;  
16 from the region, from the district, from the main  
17 office?

18                  A. Those are normally district staff,  
19 and Mr. Monzon later this morning will give you an idea  
20 of a typical structure at the district level.

21                  Now, even though they may not be formal  
22 members of the planning team, we often bring in  
23 specialists from the region to advise on particular  
24 matters that require a high degree of expertise. So  
25 the region can come in on a consulting role, but it is

1 really the district people that are on that team.

2 Q. The next principle is resource  
3 management planning will integrate programs and  
4 activities as required to achieve the objectives and  
5 targets assigned to the area to be managed.

6 Could you address that particular matter?

7 A. This is aimed at making sure right up  
8 front that how this integration is to occur is clear.

9 Now, when you have a specific manual,  
10 such as the Timber Management Planning Manual, you have  
11 a very detailed explanation of how that's going to  
12 occur, and the Board will be given a great deal of  
13 information on how that works in terms of No. 15.

14 This general principle deals with some of  
15 those resources in which there may not be a planning  
16 manual in place, and this is general direction to say  
17 that early in this process developing the terms of  
18 reference for that plan, make sure that it is very  
19 clear how the integration is going to occur; i.e., how  
20 do you deal with possible impacts from trying to  
21 achieve one particular objective or other objectives.

22 MR. FREIDIN: Excuse me for a moment, Mr.  
23 Chairman.

24 Q. It indicates in the second paragraph  
25 that specific approaches used to achieve integration

1 and degree of integration of resource interest will  
2 vary from plan to plan.

3 A. That's correct.

4 Q. And what would cause that sort of  
5 variation or what might cause that variation?

6 A. Well, it depends on the kind of  
7 resource you are dealing with and what you are trying  
8 to achieve. Timber management, you are dealing with a  
9 resource that is a particular time frame, you have  
10 particular needs that have to be accomodated. There is  
11 a logical process for doing that. That logical process  
12 for timber management - and it's specific - may not be  
13 the same kind of thing you do in a water management  
14 plan.

15 So there are differences in terms of --  
16 for example, in timber management, you are dealing with  
17 something that's fairly concrete; you can see a tree.

18 In terms of water management you are  
19 dealing with, for example, flood damages, it is a  
20 probability, it is different. So you have got to take  
21 those things into account when you are dealing with  
22 these different things.

23 So even though the general principle  
24 applied, the particular application has to vary. I  
25 guess we often hear the accusation that this is a



1       cookbook. It certainly is not a cookbook; the  
2       direction is there, there has to be thinking people  
3       applying them in terms of the particular resource and  
4       the particular needs of the people who use that  
5       resource in developing the plans and that  
6       interpretation has to occur.

7                   Q. Now, in the first paragraph it  
8       indicates - and this document being addressed to people  
9       who are preparing manuals which will deal with various  
10      resources - states that the resource management  
11      planning can specifically be directed at achieving the  
12      meeting of multiple sets of program targets either  
13      through one fully integrated resource management plan  
14      or through a number of individual program plans.

15                   What approach has been taken for timber  
16      management planning in that regard?

17                   A. The approach in timber management  
18      planning is to prepare a plan for the timber resource  
19      and to take into account its impact on other resources  
20      in the development of that plan.

21                   Q. Is that provided in instructions of  
22      any sort, there are two people preparing those plans?

23                   A. It is clear that -- certainly when  
24      this environmental assessment gets approved it will be  
25      very clear that they have to approach their planning in

1 a particular way.

2 Q. Is there a document that will be the  
3 subject of evidence that deals with that approach?

4 A. The Timber Management Planning Manual  
5 will be discussed in detail by Panel No. 15.

6 Q. Perhaps we can move on to the next  
7 principle, resource management planning must recognize  
8 both short and long-term benefits, the capacity of the  
9 natural environment and the resources to be managed.

10 Could you speak to that particular  
11 principle, Mr. Douglas?

12 A. What this principle is aimed at,  
13 particularly in the case of renewable resources, is  
14 that we are in the business for the long term; we want  
15 to make sure that there are benefits from that resource  
16 now, there are benefits from that resource in the  
17 future.

18 To have benefits in the future, we have  
19 to protect that resource base, we have to make sure the  
20 sustainable development is in fact achievable.

21 Q. What's meant by the short term or the  
22 long term?

23 A. Well, let me generalize and say that  
24 we will say short term is maybe five years and long  
25 term is sort of 20 plus.

1                   Again, what is short term in timber  
2 management may be a little different when you are  
3 talking about short term in fisheries management, but  
4 as a general rule I would say five and 20.

5                   I should add that when you are talking  
6 about a non-renewable resource you have to take a  
7 little different perspective. It is not going to -- no  
8 matter what you do to manage it, you are not making  
9 more of it, so you have to make sure you manage it in a  
10 way that you get the most benefits out of it and that  
11 you don't waste it, and mineral aggregates in MNR's  
12 mandate is one of those things which we have to deal  
13 with in that way.

14                   You want to make sure that the resource  
15 that is there is used well, it is conserved and that  
16 you don't, for example, open up too many pits; you use  
17 the ones that you need at the present time to get them  
18 rehabilitated and then you move on to another one.

19                   Q. The next principle, Mr. Douglas: The  
20 number of plans serviced in one geographical area is to  
21 be kept to a minimum.

22                   Why is that?

23                   A. I think the simple reason is that  
24 planners like to prepare plans and we have found that  
25 there is a tendency to pass off decisions to a more

1 detail level of planning and, for example, you can get  
2 a fisheries management plan at the district level and  
3 you can get one for a watershed and you can get one for  
4 an individual lake.

5 There is a limit to the number of plans  
6 that one should prepare before you get into total  
7 confusion and waste of resources. So for a particular  
8 program, we are trying to say that you should not have  
9 a resource management plan beyond one.

10 Now, there may be some peculiar  
11 situations where you might want to have a second level  
12 resource management plan, but to do that we put  
13 controls in our system that the region would have to  
14 approve that.

15 Q. So in this particular principle, when  
16 it says having the number of plans used in one  
17 geographical area is to kept to a minimum, is that  
18 directed to a specific program?

19 A. No, it is general. We don't want any  
20 of the programs preparing more than one resource  
21 management plan unless they can give us very good  
22 reasons why they should.

23 Q. Can you give me an example of what  
24 you mean then of having more than one resource  
25 management plan for a given program and why you



1 wouldn't want that as a general rule?

2 A. Well, in terms of fisheries, going  
3 back to my example, you could develop a plan for the  
4 district in terms of identifying what you want to do,  
5 for example, in stocking with various lakes.

6 Now, you do run into a situation where  
7 people will come up with a reason why they can't do it  
8 when you are developing the district fisheries plan.  
9 They say: Well, we want to do more -- we want more  
10 time or we want more opportunity to look at the  
11 details. If you give them that out, you will find that  
12 there will be a myriad of lake plans that they will  
13 want to do.

14 On the other hand, you say: Let's make  
15 your decision now in terms of how you are going to run  
16 this program in this district so I, as a district  
17 manager, for example, can keep track of what's going on  
18 in that program.

19 You will find that you get a lot more  
20 discipline, you get better management in that district,  
21 and you can always amend that district fisheries  
22 management if you, for example, find that you have got  
23 more inventory data or the data tells you that that  
24 lake is a little different than you thought, but you  
25 don't give them that chance to pass that decision down

1 to another level. It is discipline.

2 I guess the comment I am making is that  
3 in planning you are dealing with human beings and there  
4 are certain human tendencies that one has to address  
5 and try to take into account. And passing off  
6 decisions, I guess, is one of them.

7 Q. I just might ask you another question  
8 along these lines. If you look at the third line under  
9 this principle, it says:

10 "Additional plans may be prepared for  
11 sub-areas, but only when specifically  
12 approved by the Regional Director."

13 What do you mean by a sub-area?

14 A. That would be an area within the  
15 resource management planning area. And, again, I told  
16 you that varies, an example, in a park. If you have  
17 got a park and you have got an approved park management  
18 plan, someone says: I want to do a specific plan in  
19 this corner of the park, that would be a sub-area  
20 within that.

21 Q. Just turning to the eleventh  
22 principle, Mr. Douglas, which indicates that plans must  
23 have regard for other agencies' objectives.

24 First of all, what are these other  
25 agencies that you refer to?

1           A. We are using the word agencies in  
2 terms of other government agencies, we are using it in  
3 a very broad way. That could include other provincial  
4 ministries, federal departments, municipalities,  
5 conservation authorities, any of those government  
6 agencies.

7           Q. Are they limited -- is this reference  
8 limited then to governmental-type agencies?

9           A. This one is. The public consultation  
10 one is broader and includes others.

11           This one is in here just to make sure  
12 that government co-ordinates its activities. As Mr.  
13 Monzon indicated, in developing the regional plans in  
14 the district guidelines, there were statements in there  
15 with respect to, for example, for energy and tourism.

16           Again, we are trying to hammer that point  
17 home when we get down to the resource planning  
18 management level that you have got to make sure you  
19 take all these other interests into account.

20           Q. Could you deal then with the next  
21 principle, Mr. Douglas?

22           A. Yes. The twelveth and last principle  
23 is that plans must be implemented, monitored, and  
24 evaluated. The purpose of that is we see these  
25 resource management plans as action items; we want to

1 make sure that they are implemented and we want to keep  
2 track to make sure they are, in fact, implemented.

3 This has certain implications. One is  
4 that you want those objectives and targets in those  
5 plans to be clear. They have to be something that you  
6 can keep track of over time and you have to have them  
7 in such a way that you can have early warning signals  
8 that things may not be happening according to the  
9 direction outlined in the plan, so you can take action,  
10 remedial action to deal with it.

11 Q. Does this particular requirement that  
12 plans must be implemented, monitored and evaluated,  
13 does that have any effect on the form or content of  
14 resource management plans?

15 A. Yes, I believe it does. It means  
16 that they have to be structured so that you can pick up  
17 a plan and know where you can find what those targets  
18 are and you can track them. They have to be clear,  
19 precise.

20 Q. When you say "so that you can track  
21 them..."

22 A. Sorry, I guess I am into my jargon  
23 principle. What I mean by tracking them is seeing how  
24 well we are achieving what that objective is over time.  
25 We have a plan for 12 years for fisheries, year three



1 let's go back and take a look and see have we done this  
2 restocking that we set out to do.

3 Q. Does the plan have to be written in  
4 any particular fashion to enable you or to increase  
5 your ability to do this sort of tracking?

6 A. Yes. You have to make sure that  
7 those particular activities and projects that are to be  
8 implemented are given a time frame.

9 Often the case is that you will have a  
10 priority in terms of order of sequence and you may, for  
11 example, in a Fisheries Management Guidelines indicate  
12 those kinds of things that you would like to do in the  
13 first five years versus perhaps what will be done in  
14 year six to twelve, so you can tell whether you are on  
15 track in terms of getting where you are intending to be  
16 by a particular date.

17 I guess that comes back to the definition  
18 of a target. A target is something that's going to be  
19 achieved within a given time frame. For example, to  
20 make 200,000 fishing opportunities available by the  
21 year 2000, whereas the objective would be to increase  
22 fishing opportunities.

23 THE CHAIRMAN: Mr. Freidin, when you are  
24 finished with that twelveth point, I think it would be  
25 time to take our morning break.

1 MR. FREIDIN: Well then, we can take a  
2 break.

3 THE CHAIRMAN: Very well. The Board will  
4 return in 20 minutes.

5 ---Recess at 10:07 a.m.

6 ---Upon resuming at 10:30 a.m.

7 THE CHAIRMAN: Thank you, ladies and  
8 gentlemen.

9 Mr. Freidin, I just wanted to let  
10 everybody know that the Board is intending to adjourn  
11 for lunch today at twelve o'clock -- sorry, at twelve  
12 o'clock to one o'clock and then we will sit from 1:00  
13 until 2:30, and then we are going to adjourn for the  
14 day.

15 We figured out that by the early start  
16 today we would have gotten in just about as much time  
17 as we did yesterday, save for about a half an hour.

18 If that works out satisfactorily, in  
19 terms of the airline schedules, that is how we will  
20 operate on the days that we are flying out.

21 MR. FREIDIN: Okay.

22 Q. Mr. Douglas, I believe in your  
23 evidence you have indicated that this particular  
24 document, the Framework for Resource Management  
25 Planning, is used in the preparation of manuals which

1 in turn are used to prepare actual resource management  
2 plans?

3 MR. DOUGLAS: A. Yes, that was the  
4 primary purpose in developing the framework document.

5 Q. And you indicated that these manuals  
6 are, for the most part, prepared by main office program  
7 groups?

8 A. That's correct.

9 Q. And those would be the type of  
10 programs that Mr. Monzon referred to?

11 A. Yes, they would. For example, the  
12 forestry program has prepared the Timber Management  
13 Planning Manual, the Fisheries Branch has prepared a  
14 manual for development of fisheries management plans,  
15 the Parks Program has developed one for doing a  
16 management plan for provincial parks.

17 Q. Is there any common approach by the  
18 Ministry in the preparation of the manuals which are  
19 used?

20 A. Well, there is two types of  
21 commonality. One is reference to this document, this  
22 framework document, making sure that those resource  
23 management plans take into account the principles which  
24 I have outlined for you today, the steps of the  
25 planning process, which I will state briefly; clearly

1 identify the roles and responsibilities; identify  
2 requirements for audit; requirements for amendments,  
3 that kind of thing.

4 The second commonality is the process in  
5 which they are developed and the commonality there is  
6 that as most policy or policy-related documents,  
7 usually a draft is prepared, it is discussed with  
8 people in the Ministry who are most directly affected  
9 or could be affected, it is discussed externally with  
10 some of the grups that would be most directly affected  
11 and interested.

12 For example, in the case of the Fisheries  
13 Management Planning Guidelines, they were discussed  
14 with NOTOA and OFAH who had particular interest in  
15 them.

16 Q. NOTOA being the Northern Ontario  
17 Tourist Outiffers Association?

18 A. That's right, northern Ontario  
19 Tourist Outfitters, OFAH being Ontario Federation of  
20 Anglers & Hunters.

21 Q. They were involved in which of those  
22 manuals?

23 A. The development of the Fisheries  
24 Management Planning Manual. They could bring  
25 particular expertise to the refinement of that



1 document, they are knowledgeable in the area and they  
2 could just give us some general advice.

3 For example, in public consultation,  
4 because of the way that the primary groups are  
5 structured, OFAH or NOTOA, there is particular kind of  
6 public consultation that would be more appropriate  
7 dealing with those groups than if we are talking about  
8 something else.

9 So what you do is, in the development of  
10 the actual manuals for the particular resource, you  
11 tailor, you refine it to fit that situation.

12 MR. FREIDIN: And, Mr. Chairman, the  
13 actual development of some of those mandatory  
14 provincial guidelines that I outlined in my opening  
15 remarks, the ones dealing with moose habitat, fish  
16 habitat and tourism values, will be described by the  
17 panels that are going to actually be dealing with those  
18 particular matters.

19 Q. Mr. Monzon -- Mr. Douglas, could you  
20 turn to page 204?

21 A. Yes.

22 Q. And there is a section here called  
23 Steps in the Planning Process. What is the general  
24 nature of the information contained in relation to that  
25 topic?

1           A. This section of the document outlines  
2 common steps that should be undertaken in developing a  
3 resource management plan. Those steps are quite  
4 similar to development of the land use plan, as Mr.  
5 Monzon described to us yesterday.

6           I think, from our experience, we find  
7 that there is essential steps and, in particular, there  
8 are certain sequences of steps that result in a much  
9 better plan.

10          I don't want to spend too much time on  
11 this because you have already had an explanation of our  
12 general planning approach, but I would just like to  
13 highlight the individual steps.

14          The first step is getting ready or  
15 getting prepared, and I would like to highlight under  
16 that preparing terms of reference. We have found that  
17 you really have to be clear on what that plan is all  
18 about. So it is particularly important that the terms  
19 of reference are clear.

20          The second step is assembling the  
21 background information. To some extent, that is  
22 self-explanatory, but it is at this step that the first  
23 public notice is given. So the public gets an idea  
24 that this plan is going to be prepared, there is going  
25 be an open house or -- and they will have an

1 opportunity to input early into this process.

2 Q. And that is a common step that should  
3 be provided for in these manuals?

4 A. Yes. This is a step that would be  
5 written directly into the individual manuals for  
6 planning the different resources, it would also be a  
7 requirement in the case where a resource management  
8 plan which didn't have a particular manual was being  
9 prepared. So that we would make sure that that  
10 happened, that is one of the things that we would  
11 audit.

12 The other thing that goes on in the  
13 background information stage is that you have a  
14 preliminary identification of problems and issues.

15 After that step we get into the  
16 identification, evaluation and selection of optional  
17 strategies. Again, as Mr. Monzon described, these  
18 options are developed, they are given to the public,  
19 comment is received.

20 Then in Step 4, based on that public  
21 input, the draft plan is prepared and it goes through  
22 the approval process within the Ministry, and that  
23 approval process will involve, at the district level,  
24 all the programs that are represented there.

25 If timber is developing a plan, it would

1 be reviewed by fisheries people, the parks people, the  
2 engineers, people who would have a wide interest in  
3 that plan. It would also be circulated for approval at  
4 the regional level where you have the specialists, the  
5 program co-ordinators who would have special knowledge  
6 in those areas.

7 Once you have a plan approved, the next  
8 step is plan amendment and we make sure that it is very  
9 clear what that amendment process is. And we would  
10 identify in any plan what kind of public consultation  
11 is required before an amendment is made.

12 Q. Perhaps, if you are referring to  
13 specific sections of the document, perhaps you could  
14 identify those as you go along.

15 A. Yes. What I am doing is very quickly  
16 going through pages 204 to 213 in the witness  
17 statement.

18 THE CHAIRMAN: Exhibit 6?

19 MR. FREIDIN: Yes.

20 MR. DOUGLAS: The final step that would  
21 be identified is plan review.

22 MR. FREIDIN: Q. And that is found on  
23 page 213?

24 MR. DOUGLAS: A. That is correct. What  
25 this is is an identification of the appropriate time



1 period in which you do general review of the resource  
2 management plan.

3 We find generally five to ten years is an  
4 appropriate period. In the case of timber management  
5 plans, which will be described to you in Panel 15,  
6 there is a five-year period for review there.

7 So that is a quick overview of the  
8 various steps that are required and that would be  
9 incorporated in a manual for any individual resource  
10 plan, or would be applied in cases where there isn't a  
11 particular manual in place.

12 Q. If you could you turn to page 214,  
13 Mr. Douglas. There is reference to the section being  
14 Managing the Planning Process. Generally, before you  
15 refer to any specific parts of that particular matter,  
16 would you describe what topics are discussed?

17 A. Yes. What we are trying to give  
18 guidance on through this section is identifying the  
19 roles and responsibilities of the various parts of the  
20 Ministry, both in the preparation of manuals and in the  
21 actual preparation and review of plans.

22 The first section deals with roles and  
23 responsibilities and it is divided into different  
24 sections. There is a section there that identifies  
25 what are the roles and responsibilities of the

1 district; there is a separate section which deals with  
2 the roles of the region; there is another section which  
3 deals with the roles of the main office program groups  
4 or branches; and, finally, there is one for the Policy  
5 and Planning Secretariat which has subsequently been  
6 divided into the Planning Environmental Assessment  
7 Branch and Corporate Policy Secretariat.

8 Not to get into detail with these various  
9 pieces, a general description is: When the district  
10 plans are undertaken, it is a clear responsibility of  
11 the district manager to make sure that they are  
12 undertaken according to the planning guidelines and  
13 that all interests are taken into account in their  
14 preparation.

15 The regional role is one of co-ordination  
16 of the planning process, it is one of co-ordinated  
17 review and approval.

18 The main responsibilities of the main  
19 office people are to prepare the actual manuals for  
20 undertaking planning, and to provide an audit function  
21 to ensure that planning actually takes place according  
22 to the guidelines they prepare.

23 Finally, the Planning Environmental  
24 Assessment Branch, which is my branch, our role is to  
25 make sure that the overall framework for resource

1 management planning is clear and up to date, gets  
2 revised based on our experience in applying it and, in  
3 particular, to make sure that when a planning manual,  
4 for example, for timber is produced, that we check it  
5 against the principal steps within this framework  
6 document so that we are comfortable and we can advise  
7 the Deputy that the application is, in fact, the way it  
8 was intended.

9 Q. And I understand that the roles and  
10 responsibilities as they relate to timber management  
11 plans, timber management planning, will again be dealt  
12 with by Panel 15?

13 A. Yes, that's correct.

14 Q. So this section of the document is  
15 just indicating common approaches for all types of  
16 resource management plans, not just timber management  
17 plans?

18 A. That's correct.

19 Q. You referred to the document, this  
20 framework document, as outlining a common approach or a  
21 framework for preparation of manuals or plans. Do you  
22 refer to any of the elements of that common approach in  
23 the witness statement?

24 A. Yes, we do.

25 Q. Where?

1                   A. Let me check. I believe it is  
2 paragraph 40. Yes.

3                   Q. And you have listed six items, it  
4 starts on page 19 and goes over the page to page 20.  
5 Could you advise why you have identified those  
6 particular elements?

7                   A. These were identified because I  
8 believe they were the most important. All the  
9 principles, of course, are important, but these, we  
10 think, are the key ones. And unless those kinds of  
11 elements get into the manuals or are undertaken where  
12 there is not manuals, we don't think the product will  
13 be as good.

14                  Q. All right. And could you identify  
15 then -- or could you go through them and indicate why  
16 that is your view?

17                  A. Okay. The first one is that plans  
18 are directed at achieving specific objectives. If you  
19 don't have a clear objective you will ultimately have  
20 confusion. Without a clear objective, you can't define  
21 options, and you can't evaluate options. So I think  
22 that is number one.

23                  The interdisciplinary team I think is  
24 key. As I indicated earlier, this is where we get the  
25 creativity, this is where we get the practicality.



1                   Cross-program review of plans. Again,  
2                   this is our insurance. We have set up a process in  
3                   which all interests are supposed to be taken into  
4                   account in developing the plans. This is where we  
5                   double check to make sure it in fact happens.

6                   The next principle is the application of  
7                   sustained yield. We are in the business of renewable  
8                   resources and that means that we are in the business of  
9                   sustained yield. We have to make sure that the  
10                  resource is going to be there today and the resource is  
11                  going to be there tomorrow.

12                  Public consultation. We, both Mr. Monzon  
13                  and I, have described that. It is stated here as our  
14                  commitment to involving the public, to getting the  
15                  creativity from the public that you get in part from  
16                  your interdisciplinary teams, it is stated there to  
17                  indicate that MNR approaches its planning in an open  
18                  way.

19                  Finally, the preparation and use of  
20                  approved manuals which specify the content and process  
21                  requirements for resource management plans.

22                  This is key. It allows us to take the  
23                  framework document, to refine it, elaborate on it so  
24                  that it fits well the requirements of managing  
25                  individual resources. The organization wants to make

1       sure, however, in the preparation of those manuals,  
2       that the intent of the framework document is met and we  
3       do a very careful review of any proposed manual to make  
4       sure that in fact happens.

5               Q.   Are there any other reasons for  
6       adopting a common approach to the preparation of all  
7       resource management plans?

8               A.   Yes, there are other reasons and  
9       those are identified in Paragraph 41.

10              Q.   Perhaps, again, you could follow the  
11       same approach you just followed for the previous matter  
12       and identify or deal with each the items?

13              A.   Yes.   There are a number of  
14       advantages, both internally and externally, for having  
15       a common approach.

16              For example, if you have a common format,  
17       common steps in the planning process, it is much easier  
18       for the public to understand and to follow your  
19       planning, whether it is fisheries, whether it is  
20       timber, whether it is parks.

21              If you start to get a common  
22       understanding of how MNR approaches its planning; for  
23       example, they realize that there is two or three steps  
24       in which they will be consulted, they have an  
25       understanding that at the first step they are dealing

1 basically with information and issues and that  
2 decisions aren't being made at that time.

3 So in dealing with the public in a  
4 similar way for different plans, you start to get some  
5 kind of common understanding of how and when decisions  
6 get made, how and when types of input is appropriate.

7 The flip side of that is it facilitates  
8 review and understanding within MNR itself. If I'm in  
9 the fisheries program and I know how I prepare my  
10 fisheries plans and the general steps, principles are  
11 essentially the same for timber, I can much more  
12 readily read and understand that timber management  
13 plan.

14 Q. What about if you are just talking  
15 about timber management plans, does the common approach  
16 facilitate the review and understanding of those  
17 management plans?

18 A. Yes, it certainly makes it a lot  
19 easier for either the public or Ministry staff in other  
20 programs to get to know what to expect in a plan, to  
21 follow it through to its logical conclusion. So it is  
22 easier.

23 When you are dealing with things in the  
24 same format, you have same definitions - you know, the  
25 words mean the same from one plan to the other - it

1       certainly facilitates the review and it cuts out a  
2       great deal of confusion.

3                   Q.   All right.  And if you could just go  
4       back to the first one and now just speaking about  
5       timber management plans, does having a common approach  
6       to preparing those -- does that have the same benefit?  
7       You say it is easier for the public to understand the  
8       process.

9                   A.   Certainly, I believe so, and I  
10       particularly believe that it is important for some of  
11       the timber management companies who undertake planning  
12       under the Forest Management Agreements.

13                   Certainly, a company who may have been  
14       involved in three or four different regions or  
15       districts would find it very difficult if different  
16       kinds of plans were to be prepared in different  
17       districts.  It would create internal difficulties for  
18       them in terms of knowing how all of it fits together.

19                   Q.   And what about -- can you sort of  
20       continue through those items, Mr. Douglas?

21                   A.   The third item is it facilitates a  
22       common assessment as to how a particular program is  
23       doing on larger than a single management unit.

24                   If a plan for a particular resource -  
25       timber, fisheries - is done in the same way, you record



1 the targets in the same way, you have similar time  
2 frames; for example, it makes it easier to roll up the  
3 results in the individual plans so you can have a  
4 regional perspective or a provincial perspective.

5 Now, in some cases, you still have to  
6 make simplifying assumptions in order to do that  
7 because in the timber management plans they are not all  
8 of the same five-year period, but it is lot easier to  
9 do it if you are getting the information in the same  
10 format, the assumptions are clear, it really does  
11 facilitate that.

12 We found, for example, in district land  
13 use planning where individual resources hadn't been  
14 planned according to a similar format, it required us  
15 to make more simplifying assumptions than we would have  
16 liked to and, consequently, we are making sure now that  
17 it is clear what the assumptions are, what the  
18 definitions are, what are the steps, whatever plan you  
19 produce within a given program.

20 The fourth item is: Encourages  
21 development of a shared data base at the field level.  
22 When the various programs are interacting with each  
23 other on a continuous basis, they soon come to a  
24 conclusion of what kind of data they each need, what  
25 are the appropriate map scales, how can they

1 co-ordinate their inventories, all that kind of stuff.

2 And once they have these common  
3 approaches they work out ways of solving problems. We  
4 don't have to put it in a specific procedure to them,  
5 they see that there is common elements and they can  
6 work together much better.

7 The final item I would like to talk about  
8 is improvement and approach based on -- experience with  
9 one resource can benefit management of other resources.

10 Here I would like to refer back to public  
11 consultation. If I was a district manager in an area  
12 and I found that presenting information to the public  
13 in a particular format worked very well with a timber  
14 management plan, it seemed to be what those local  
15 people understood and liked, I would then take that  
16 direction and I would apply it to another one.

17 So I can pick up on the experience in  
18 developing one plan and apply what works in another  
19 area.

20 And for things such as public  
21 consultation, there are regional differences. There  
22 is -- in some areas of the province, one thing works  
23 quite well, in another case it will just flop on you.  
24 You have got to learn and you have got to apply it from  
25 one area to the other. And with a common framework you

1 learn quicker, it structures your learning as a  
2 manager.

3 Q. Mr. Douglas, could you just turn to  
4 document No. 9 which is at page 175 of the witness  
5 statement.

6 You have got a document there which is  
7 entitled Framework for Resource Management Planning in  
8 MNR Policy, and then you have got a document at page  
9 182, the next document, Framework for Resource  
10 Management Planning and MNR Procedure.

11 What are those documents?

12 A. Those documents are formal statements  
13 of policy and procedure within the Ministry of Natural  
14 Resources. The material in those documents essentially  
15 summarizes the direction that is in the Framework for  
16 Resource Management Planning.

17 When managers and staff within the  
18 Ministry get this information in this format, they  
19 quickly recognize it as something that they must follow  
20 and, actually, it comes on nice green paper so that it  
21 is readily identifiable as something they must follow.  
22 So it is just a way of describing it in such a way that  
23 people know that they have to follow it.

24 Q. And is it common that this  
25 information gets transmitted through a document which

1 deals with policy and one which deals with procedure?

2 A. Yes, that is quite common. The  
3 policy is the general direction, the procedures are the  
4 details of how you go about it.

5 When something comes up in this format,  
6 it goes to every organizational unit within the  
7 Ministry. So when I sent this one out, it would go to  
8 all regions, all districts, it would go to all the main  
9 office branches, so every one -- it is a wide  
10 circulation.

11 Q. If we could, Mr. Douglas, turn to the  
12 topic of the management system which begins on page 20  
13 of the witness statement at paragraph 42. Could you  
14 advise the Board, Mr. Douglas, what a management system  
15 is?

16 A. Well, in simple terms, a management  
17 system is a way an organization sets itself up to carry  
18 out its activities and to make those kind of decisions  
19 that are necessary to undertake its mandate, achieve  
20 its objectives.

21 Q. Could you expand on that answer and  
22 give us a better appreciation of what you mean by  
23 the way an organization sets itself up?

24 Could you give us a better idea of what  
25 you mean when you say it indicates how you make



1 decisions necessary to conduct your business, I think  
2 is the way you put it?

3 A. Yes, that's a rather abstract and  
4 simplified definition. I think the easiest way and the  
5 best way to deal with this is through the chart.

6 With the Board's permission I would like  
7 to put this chart up.

8 THE CHAIRMAN: Do you want to mark it  
9 Exhibit 14, please.

10 What do you want to call it, Mr. Douglas?

11 MR. DOUGLAS: MNR management system.

12 THE CHAIRMAN: Thank you.

13 ---EXHIBIT NO. 14: Chart representing MNR management  
14 system.

15 MR. FREIDIN: Q. Could you proceed then  
16 and describe this management system using this diagram  
17 as an aid, Mr. Douglas?

18 A. Yes. What this diagram does is  
19 describes the various components of our management  
20 system within the Ministry of Natural Resources.

21 I would quickly like to go through this  
22 with an example, give you some idea of what is meant by  
23 each one of those blocks, and then we can go through a  
24 more detailed description later.

25 How you begin this is somewhat arbitrary,  
but I will start from the more general and then go

1 through and come back and show how these pieces are  
2 linked together.

3 The first thing is the development of  
4 policy. Policies are statements which direct action.  
5 The basic question we try to answer here is: What are  
6 we out to achieve.

7 For example, if we are developing a  
8 policy for parks, why do we have parks. And examples  
9 of answers to that question would be: We want to  
10 provide recreation, we want to protect certain unique  
11 and representative features, we want heritage  
12 appreciation, and we want tourism benefits.

13 So in the development of policy you ask  
14 the basic question: What are we trying to achieve.  
15 Generally, also, you are trying to give broad  
16 directions about how you are going to go about it,  
17 broad strategies.

18 Once you have got that first question  
19 answered and you have got clear statements of goals and  
20 objectives for that program, you have to ask yourself:  
21 Where is it going to happen. That's the step of land  
22 use planning. Mr. Monzon described to you yesterday  
23 how the where, in a general sense, gets determined.

24 We have land use planning at a regional  
25 planning -- regional level and at a district level, and

1 we identify basically how much of what we are trying to  
2 achieve will occur in each case.

3 And, in terms of parks, what we would  
4 identify here is where would be the location of the  
5 various types of parks that the Ministry manages.

6 Once we have answered the where question,  
7 we answer the how question. We answer: How are we  
8 going to go about managing that individual park, where  
9 are we going to put the facilities, where are we going  
10 to have the hiking trails, what kind of facilities are  
11 going to be there, what kind of activities are going to  
12 occur.

13 So this is a step in which we produce the  
14 detailed "where" question/answers and, particularly,  
15 the "how", and to some extent the "when": When are we  
16 going to build that campground.

17 Q. In relation to timber management,  
18 what occurs at that particular level of the system?

19 A. This is where the decisions are made  
20 in terms of the activities that are carried out on the  
21 ground. These refer to decisions with respect to  
22 harvesting, with respect to access, to maintenance and  
23 to protection.

24 Q. Where are those types of decisions  
25 recorded?

1           A. This is where the resource management  
2 plans are developed, as I identified earlier today.  
3 This is the resource management planning level.

4           Q. And in relation to timber  
5 management...?

6           A. There are individual timber  
7 management plans produced for each of the 99 forest  
8 management units in the province and that's the stage  
9 at which they are produced, they are produced within  
10 the context of a certain policy and within the context  
11 of a Land Use Guideline for an individual district,  
12 which includes some idea of how much you want to  
13 produce and indicate, for those areas of land use  
14 intent, what kinds of activities are permitted or which  
15 kinds of activities get priority in a given area.

16           Now, once we have got a resource  
17 management plan prepared which identifies which  
18 activities are going to be undertaken to achieve  
19 specific results, we then get into our budgeting  
20 process, and essentially work planning identifies what  
21 funds are going to be spent in a given year to  
22 undertake particular projects or activities. So  
23 whereas this (indicating) is done on a five-year  
24 period, and this (indicating) is done annually.

25           Q. For the record, the five years is the



1 resource planning; the yearly refers to the work  
2 planning and operation?

3 A. That's correct. So the operations  
4 part of this is simply the carrying out of the  
5 activities: It is the planting of the trees, it is the  
6 tagging of the fish, it is the maintenance of the dam,  
7 all this on-the-ground activity. Essentially, this is  
8 the "when" question.

9 And in terms of parks - getting back to  
10 the original example - what that would indicate is for  
11 a given year what kind of maintenance operations are  
12 going to be undertaken that year: Are you going to  
13 build anything new that year; if the answer is yes,  
14 what is it, how long are you going to operate that  
15 park, how many days it is going to be opened. That  
16 gets decided there.

17 Once you have gone down, you have actually  
18 undertaken your activities, you evaluate it: How well  
19 have we done, have we achieved what we set out to  
20 achieve, have we done it in an effective and efficient  
21 way.

22 Getting back to my parks example: Did as  
23 many people come to that park as we thought. If they  
24 didn't, then we better go back and make some changes  
25 because we should be spending money where we get the

1 most results from it.

2 So in a very general way we are saying:  
3 What are we trying to do, where, how, when and how  
4 well.

5 Now, as you can recognize, I am  
6 oversimplifying perhaps, but I think the basics should be  
7 understood in terms of the way we approach things.

8 The other thing I would like to identify  
9 is that generally the time frames are different as you  
10 get -- you start off with the policy, that's usually a  
11 long-term direction. For example, in timber  
12 production, the timber production policy has a 50-year  
13 time horizon so you have got a very long time horizon  
14 in the policy.

15 Land use planning generally talks about a  
16 20-year time horizon; you are down to a five-year time  
17 horizon with resource management planning and a  
18 one-year time horizon in operations.

19 MR. MARTEL: Can I ask a question,  
20 because I have watched you point it out three times  
21 now and the goals and objectives you have not gone  
22 through once yet. Now, is that part of policy or...?

23 MR. DOUGLAS: Yes, it is the result of  
24 policy.

25 MR. MARTEL: It ties right in at the

1 beginning?

2 MR. DOUGLAS: Yes.

3 MR. MARTEL: Fine. Thank you.

4 MR. DOUGLAS: Sorry for that.

5 MR. FREIDIN: Q. Mr. Douglas, in this  
6 particular environmental assessment, the timber  
7 management is occurring at the resource planning level  
8 and being implemented, I guess, on a yearly basis  
9 through work planning and operations. If that's the  
10 case, why have you decided to describe the entire  
11 management system?

12 A. There is three main reasons. One is,  
13 I wanted to identify to the Board that there is certain  
14 directions that are set before a timber management plan  
15 is prepared, there are certain policies, policies that  
16 are in effect, there are certain directions that are  
17 established in land use planning. So you don't start  
18 the timber management plan without any direction.

19 The second thing I wanted to identify is  
20 that even once you have got that plan prepared, there  
21 are certain things that are going to happen after that,  
22 and the Board will have a description of, for example,  
23 how the Ministry undertakes evaluation with respect to  
24 timber management; the "how well" question.

25 The other thing I would like to do, and it

1 is related to this diagram, is give the Board an  
2 appreciation of some of the processes that are involved  
3 in, for example, policy direction: How do we develop  
4 policy, how does the development of a policy link in  
5 with development of a resource management plan.

6 The reason the arrows are on this diagram  
7 is to indicate that this system, if you wish, is  
8 closely interlinked and when you get a certain result  
9 coming out of here, or here, or here (indicating), you  
10 may very well either go back right to the beginning or  
11 make an adjustment.

12 Let me give you an example of what I  
13 mean.

14 Q. Mr. Douglas, when you are pointing  
15 there, don't just say here, here, and here because we  
16 won't understand it when we read it.

17 A. Okay.

18 Q. Just for the record, again, when you  
19 did say that just a few moments ago you were referring  
20 to the resource planning -- work planning and  
21 operations and evaluation boxes on Exhibit 14?

22 A. Correct.

23 Q. Okay.

24 A. Let me give you an example of how  
25 this links together. Going back to the park example;



1       when we go through this process, we make certain  
2       assumptions, come to certain conclusions about what  
3       kind of recreational opportunities and how many of  
4       those and where are they located in respect to  
5       provincial parks, on the assumption that people are  
6       going to use those recreational activities, they are  
7       going to go to our campgrounds.

8               We go through this process and we collect  
9       annual statistics on campground use. Let's assume that  
10      when we are finished we find out that in a particular  
11      region we are not getting as much use in some parts as  
12      we expected. What do we do about that? Well, there  
13      are a number of ways that we can deal with that.

14             If we thought that this was a pattern  
15      that was re-occurring across the entire province - there  
16      is a basic change in patterns of use - we might want to  
17      go back to the policy and the definition of objectives  
18      to adjust that. Some of our assumptions may be  
19      incorrect.

20             On the other hand, we may simply say that  
21      this is an aberration this year and that we will simply  
22      not spend as many funds in terms of developing new  
23      campgrounds, we will just take the 200 that's in that  
24      park and cut it back to 150 and it will probably come  
25      up in another five years.

1                   So we can make various adjustments  
2           depending on what we get out in our evaluation and that  
3           may result in changes, either at the work planning  
4           level the next year, or it could mean going right back  
5           to the policies and making some basic change in how  
6           many of those opportunities we would like to prepare to  
7           provide to the public.

8                   Q. Mr. Douglas, I understand that you  
9           have a more detailed description of each of those  
10          components of the management system in the witness  
11          statement?

12                  A. That's correct.

13                  Q. Could you refer to page 239 where I  
14          note that you split out strategic planning and policy?

15                  A. That's correct.

16                  Q. All right. Do they happen together  
17          or are they different?

18                  A. They are slightly different but they  
19          are closely inter-related, that's why they are in the  
20          same general area on the management system diagram.

21                  Q. All right. Well, using these  
22          documents that you have prepared, perhaps you can  
23          indicate -- you have used the same format, perhaps you  
24          could advise the Board how you are going to approach  
25          your explanation of these various levels of the

1 management system?

2 A. Yes. What I would like to do is give  
3 a fairly simple and generalized description of what  
4 each component is, what level it occurs within the  
5 Ministry, who is involved, what kind of output you get  
6 from that, and give some examples of what's been  
7 produced.

8 Q. All right. So what is then the  
9 strategic planning?

10 A. Strategic planning is sort of a broad  
11 brush assessment of what's happening in the entire  
12 environment, what trends are occurring, what impact do  
13 those trends have on the Ministry of Natural Resources'  
14 programs.

15 When I talk about trends, I am talking  
16 about social trends, economic trends, population  
17 trends, technology changes, changes in government  
18 direction, government priority, that kind of thing.

19 Q. What is the purpose for looking at  
20 that sort of a general type of thing?

21 A. Well, you get an assessment of what  
22 changes are occurring, and then you can make an  
23 interpretation of what adjustments the Ministry needs  
24 to make in order to be in line with those changes.  
25 That may mean changing particular policies, it may mean

1 changing the way we deliver programs, it may mean staff  
2 needs, new skills.

3 Q. And what effects or where is the  
4 results of this sort of strategic planning; where does  
5 it show up?

6 A. Well, the output is a document every  
7 second year which shows broad direction for the  
8 Ministry. Its purpose would be to indicate to all the  
9 program groups where the organization as a whole sees  
10 itself going and indicates to them in a general sense  
11 what kinds of adjustments may be appropriate in their  
12 own program areas.

13 Q. If you could turn to the next  
14 particular area, Mr. Douglas, policy development, and  
15 you indicate that it is the development of statements  
16 which guide and direct actions taken by the Ministry,  
17 and that the policies vary from being very broad,  
18 general, to being very specific and technical.

19 Could you give me an example of a broad  
20 or general policy of the type that you are referring  
21 to?

22 A. A broad or general policy, for  
23 example, would be flood plain management policy for the  
24 province, the forest production policy for the  
25 province.



1 Q. What about something that is  
2 specific?

3 A. Well, one example would be the Timber  
4 Management Planning Manual itself. Another example  
5 would be how you calculate the regulatory flood for  
6 flood plane for managing purposes.

7 Q. And is there any particular level of  
8 the organization that gets involved in those types of  
9 policies?

10 A. Yes, that's one of the primary roles  
11 of the main office staff within the Ministry.

12 Q. The broad policies, who approves  
13 those types of policies or actually who makes those  
14 statements of policy?

15 A. The broad policies that direct  
16 individual Ministry programs normally are approved by  
17 Cabinet.

18 Q. What about the more technical or  
19 specific-type policies?

20 A. Well, it depends on the particular  
21 characteristics of them. If you are talking about a  
22 technical policy that affects several programs, could  
23 have an effect on other ministries, that would be  
24 approved at the Deputy Minister level.

25 If you are talking about something that

1 really is quite peculiar and particular to the  
2 individual program, the program Executive Co-ordinator  
3 would approve it.

4 For example, how do you undertake creel  
5 census for fisheries. That's pretty technical stuff  
6 and that gets delegated down to the Executive  
7 Co-ordinator.

8 Q. When a technical directive is  
9 prepared, very briefly, who gets involved in that  
10 process?

11 A. Let me take -- by way of an example,  
12 one of the issues that I was involved in was developing  
13 a flood plain management policy for the province.

14 Essentially, that policy is directed to  
15 indicate what level of risk is assumed to be acceptable  
16 for a flooding event, and the way that policy gets  
17 implemented is that there is a mathematical calculation  
18 done on a particular probability and its very  
19 technical.

20 The government gave us direction in terms  
21 of what level of probability of risk they are willing  
22 to accept and what the Ministry proceeded to do was to  
23 come up with the exact way of doing those calculations,  
24 because we wanted a common approach across the province  
25 because there are often debates over where that line is

1 and that's important in terms of real estate values, it  
2 is important to the insurance industry, there are all  
3 kinds of reasons why it is important.

4 What the Ministry did in that particular  
5 case was to engage a consulting engineer - I guess it  
6 was a consortium of consulting engineers - to come up  
7 with a proposed method of calculation; which variables  
8 do you take into account, what mathematical formula you  
9 apply, that kind of stuff.

10 So the Ministry received this report, it  
11 then took this report and it reviewed it with the  
12 technical people who would be concerned about that;  
13 that included our own engineers within the Ministry of  
14 Natural Resources, it included engineers in the  
15 Ministry of the Environment, it included staff in the  
16 Municipal Affairs Ministry and the housing ministries  
17 who were concerned that the way that line is calculated  
18 can affect which areas are available for housing and  
19 which ones aren't.

20 So that was sort of the Government  
21 Review. There was also a review undertaken with some  
22 of the outside agencies. For example --

23 Q. I am just wondering, Mr. Douglas - I  
24 don't think we have to go into all of the details - if  
25 you can sort of just highlight the sorts of contacts

1 and the type of groups that you would deal with.

2 I don't think it would be necessary to  
3 give all the detail of each of the sort of information  
4 that was obtained?

5 A. Certainly. What we did was we got an  
6 internal review of our technical people from the  
7 various programs, we got a review from other government  
8 agencies and we got a review by the private sector, for  
9 example, the Consulting Engineers of Ontario provided  
10 comments on that.

11 Based on the result of that review, we  
12 came to a common standard, that was approved by the  
13 Deputy and it was circulated to all municipalities,  
14 conservation authorities in the province, and that's  
15 the basis for calculating that line out.

16 Q. Now, the next level -- if we can just  
17 move on, Mr. Douglas. The next level of the management  
18 system is described at page 244, and that particular  
19 planning process was discussed in great length by Mr.  
20 Monzon. Is there anything that you feel you would like  
21 to add to the explanation given by Mr. Monzon?

22 A. Well, I believe that the land use  
23 planning program is probably one of the two key areas  
24 for integrated resource management. We are certainly  
25 concerned that there is integration at the policy level



1 and, in fact, through all levels, but you really need  
2 it at the land use planning level and at the resource  
3 planning level.

4 Q. And the description of resource  
5 management planning, which would include planning of  
6 timber management plans for management units; is there  
7 anything that you would like to add or you believe you  
8 should add at this time as to the description generally  
9 of resource management planning than has already been  
10 given?

11 A. There is only one thing I would like  
12 to emphasize and that is the district manager is  
13 responsible for ensuring that those resource management  
14 plans were developed, taking into account the various  
15 interests, and that the review process is undertaken by  
16 technical specialists within the Ministry who represent  
17 various points of view.

18 So the fact that there is an  
19 accountability for the fact that that plan has been  
20 prepared properly and it has taken all interests into  
21 account is clearly established.

22 Q. We then move on to description of  
23 work planning and operations, and you referred to that  
24 as a budgeting process or exercise?

25 A. Yes, that's correct. Each year a

1 work plan is produced for the Ministry of Natural  
2 Resources. It is essentially a statement of what is  
3 going to be accomplished in a given year with given  
4 funds. Now, I am not an expert in this process, but I  
5 am certainly involved and I can give an overview of it.

6 What happens each year is, at the  
7 beginning of the process is that there are general  
8 guidelines developed by the Deputy Minister of what  
9 priorities should be, that's based on overall  
10 government direction and it is also based on an  
11 understanding of what the physical environment of the  
12 province is, how much money is likely to be available.

13 So we start into this process with an  
14 idea of what the overall government priorities are,  
15 internal priorities, recent policy commitments by the  
16 Minister, and an idea of what the size of that budget  
17 we are likely to get will be.

18 With those directions, the budget is  
19 developed from the bottom up. Every unit in the  
20 Ministry prepares its own budget. That happens in the  
21 district, it happens in the regions and, for example, I  
22 produce a budget for my own branch.

23 What that budget will include is those  
24 projects in which I would call as my base projects.  
25 Those would be projects in which I can probably make

1 the assumption I will get 90 per cent of the funds I  
2 got last year, if I am lucky, and then I would identify  
3 other projects that I would like to undertake if I was  
4 lucky and got more than 90 per cent.

5 Each unit does that within the Ministry.

6 Q. And by each unit...?

7 A. Each organizational unit, each  
8 district, each branch, each region, each program group.

9 They all develop these and they go up the  
10 hierarchy. They go up to the regional directors from  
11 the district managers and the district manager says --  
12 and the Regional Director says: Okay, those are  
13 projects that are beyond your base, I like these and I  
14 don't like those. So there is a filtering process and  
15 it goes on through like this.

16 This filtering process proceeds up the  
17 hierarchy until ultimately the Deputy Minister looks at  
18 those projects and a line is established in terms of  
19 that's all we are likely to be able to afford this  
20 year, maybe some of those other ideas were good ones  
21 but they are not going to happen.

22 Once the Deputy has pulled together the  
23 Ministry-wide work plan, that work plan is taken by the  
24 Minister to the Management Board of Cabinet to get some  
25 kind of idea from them of how that fits in with the

1 overall government priorities, and after that the  
2 estimates are given to the legislature.

3 And each year the Ministry -- normally  
4 each year the Ministry goes into the estimates process  
5 through the legislature. Ultimately the legislature  
6 approves the number for the Ministry, as well as the  
7 number for the major programs in the Ministry.

8 That gets fed back to the troops. They  
9 each know then, finally, what money they have got to  
10 undertake which projects, and from that the operations  
11 occur.

12 Now, the one point I would like to make is  
13 that that approval is for a one-year period only.

14 Q. What is the significance of that?

15 A. It means that you have to go back and  
16 look at the priority of the projects that you want to  
17 undertake on an annual basis and, in fact, you can't  
18 precisely predict how much money you will have from one  
19 year to the next.

20 Q. Can we just move on quickly to the  
21 description of monitoring and evaluation which is the  
22 last phase of the management system.

23 Is there anything you feel that you  
24 should add to your description of the evaluation that  
25 you have already given?



1                   A. Well, a couple of points. There is  
2 various components of this monitoring and evaluation.  
3 Some of it is -- the monitoring part is identifying  
4 plan versus actual results.

5                   There are other components that deal with  
6 efficiency and effectiveness of our programs, and there  
7 are compliance monitoring which essentially gets back  
8 to whether things were carried out according to the  
9 policies and programs that we have in effect.

10                  I guess the only other point is that  
11 there is internal evaluation going on all the time of  
12 different types. For example, my branch goes out and  
13 evaluates how well the regions, for example, are  
14 applying the resource management planning framework and  
15 whether they are, in fact, making amendments to the  
16 District Land Use Guidelines according to the procedure  
17 that we have developed.

18                  So that's the internal. There is an  
19 external part too, and there the Provincial Auditor,  
20 from time to time, makes audits of Ministry programs.

21                  There are special audits sometimes, for  
22 example, the Baskerville Forest Audit which you will  
23 hear about later.

24                  Q. And I believe there is reference in  
25 the witness statement to this management system

1 facilitating integration and achievement of multiple  
2 objectives. Could you very briefly speak to that  
3 matter?

4 A. Yes. There are various things that  
5 we do in each one of these steps or parts of the cycle  
6 for management that really, I think, contribute to  
7 integrated resource management.

8 The policy development stage, I believe  
9 the thing that contributes is that there is a wide  
10 review in the development of the policies, so that  
11 there is lots of input, there is an early warning of  
12 things that will work, won't work. There is now -  
13 certainly over the last five years - a much greater  
14 appreciation of the impacts of one policy on another.

15 So we are much more sensitive now to how  
16 one policy can affect another and that government  
17 review, that public review, all assists in coming up  
18 with policies that have a real chance at being  
19 implemented, fitted together as you get down the  
20 system. So it is the review with the policy I think is  
21 important.

22 I think land use planning: The guts of  
23 land use planning is integrated resource management;  
24 how do you fit together the land use puzzle, how do you  
25 make sure that all of the program targets and

1 objectives are achieved, that there is a balance out  
2 there between those things you are trying to undertake.

3 The resource management planning level:  
4 I think the guts of that are probably the  
5 interdisciplinary team and the very detailed processes  
6 that are put in place to ensure that integration  
7 occurs. For example, there is identification of how  
8 timber management may impact upon other things, such as  
9 fisheries.

10 So there is processes in place in each  
11 one of those manuals for the resources to identify  
12 specifically how and when those linkages are taken into  
13 account and just how the whole thing fits together to  
14 make sure that we don't miss something.

15 Work planning and operation: Integration  
16 occurs here because the district manager, before he  
17 produces his budget, gets proposals from the various  
18 programs and that allows him, for example, to make sure  
19 that the inventories are co-ordinated in such a way  
20 that they facilitate better planning.

21 If the district manager knows that a  
22 timber managment plan is going to be produced in two  
23 years in the left-hand side of his district, he can  
24 make sure that the fisheries surveys and the moose  
25 surveys are undertaken the year before so he has got

1 fresh, recent data so that you get a better plan.

2 Evaluation: Integration at this level,  
3 the focus is really quite recent. I think the  
4 framework for resource management planning gives us  
5 some principles by which we can identify whether  
6 integration has occurred. We are experimenting with  
7 different kinds of monitoring; for example, you will be  
8 given evidence in respect to how we intend to monitor  
9 the fisheries and the moose habitat guidelines.

10 But this is a recent area, and I think  
11 this whole thing has been developed over essentially  
12 the last 10 years and we are now getting an  
13 appreciation, not only how individual pieces are  
14 important and what you have got to do within individual  
15 pieces, but how this entire system is linked, and how  
16 you have to make sure that if you make a change here  
17 that it has a positive effect here. (indicating)

18 Q. Thank you, Mr. Douglas.

19 Mr. Monzon, I understand that you are  
20 going to be describing the administrative organizations  
21 of the Ministry of National Resources now?

22 MR. MONZON: A. That's correct.

23 Q. And what is the general purpose for  
24 which you have determined that the organizational  
25 structure should be spoken to?



1                   A. Two purposes, Mr. Chairman. One to  
2     indicate, as I believe I mentioned earlier, how the  
3     administrative structure of the organization  
4     facilitates the integrated resource management  
5     philosophy and achievement of multiple objectives and  
6     targets.

7                   And, secondly, later panels will be  
8     referring to different people and positions within the  
9     organization and we thought it would be helpful if we  
10    tried to put that in some context for you.

11                  THE CHAIRMAN: Very well.

12                  MR. FREIDIN: Q. Perhaps you could deal  
13    with that first particular matter and indicate how the  
14    administrative structure does facilitate the  
15    achievement of multiple objectives?

16                  MR. MONZON: A. Maybe I could do that  
17    through the use of an overhead.

18                  Q. Yes.

19                  A. All right. Well, maybe before we  
20    move to the overhead, what I could do is, if I might,  
21    direct the Board to the organizational chart on page  
22    249 of the witness statement.

23                  THE CHAIRMAN: Mr. Freidin, how do you  
24    intend to handle throughout the hearing the overheads  
25    themselves?

1                   Are we going to admit into evidence as  
2                   exhibits the actual overhead; or are you going to  
3                   reproduce them in some way and those will be  
4                   distributed or what?

5                   MR. FREIDIN: Well, I will have to think  
6                   about the ones which are coming up, but the ones which  
7                   are being used to date I think have, in fact, been  
8                   reproductions of something which is actually in the  
9                   document.

10                  So perhaps what we could do is just make  
11                  it quite clear on the record when we are dealing with  
12                  that that the overhead in fact is a reproduction of  
13                  whatever.

14                  THE CHAIRMAN: Okay.

15                  MR. MONZON: The organizational chart on  
16                  page 249, Mr. Chairman, is an overview of the  
17                  organization of the Ministry of Natural Resources, an  
18                  overview of the main office organization and the  
19                  regional offices. I won't spend a lot of time on the  
20                  specific boxes within that.

21                  At the top there is the Minister of  
22                  Natural Resources, reporting to him the Deputy  
23                  Minister, and then reporting to the Deputy there are  
24                  four specific areas: The Planning and Environmental  
25                  Assessment Branch, of which Mr. Douglas has indicated

1 he is the Director of; Corporate Policy Secretariat,  
2 responsible for the co-ordination of policy proposals  
3 within the organization; Provincial Forester, Mr.  
4 Armson, you will be hearing from him later on in  
5 another panel; and at the time this was done the,  
6 Special Negotiator on Native Issues, I am not sure that  
7 that position is in fact in place at this point in  
8 time.

9 The remainder of the organization, in  
10 terms of the overview, is outlined below that. There  
11 are, in essence, six positions which report to the  
12 Deputy Minister, and I will deal with the Assistant  
13 Deputy Minister positions first.

14 Moving from left to right across that  
15 page, you have the Assistant Deputy Minister of  
16 Northern Ontario, and that - if I could refer to  
17 Exhibit 11 - involves the northwestern, northcentral,  
18 northern and northeastern regions.

19 In essence, the area from the -- I am  
20 referring to Exhibit 11; in essence, the area from the  
21 green line northward, there are four regions, each of  
22 those headed by a Regional Director, they report to the  
23 Assistant Deputy Minister of northern Ontario.

24 (indicating)

25 The same situation in southern Ontario,

1 an Assistant Deputy Minister responsible for this area,  
2 four regions, an eastern region, Algonquin, one here in  
3 the central and one down in the southwest. (indicating)

4 And I will speak to the responsibilities  
5 of those Regional Directors in a moment, but I won't  
6 spend a lot of time on them.

7 Assistant Deputy Minister Administration  
8 is the third Assistant Deputy Minister within the  
9 organization, responsibilities for finance and  
10 administration as well as legal, human resources,  
11 communications, French language services, manpower  
12 planning; in essence, the support services to the  
13 organization.

14 At the Executive Co-ordinator level, the  
15 program level, you have three Executive Co-ordinators  
16 for forest resource and then a series of branches,  
17 Executive Co-Ordinator Outdoor Recreation, a series of  
18 branches, and then Lands & Waters and Executive  
19 Co-ordinator and another series of branches.

20 If I can --

21 MR. FREIDIN: Q. Mr. Monzon, you  
22 describe in the witness statement the administrative  
23 organization has being decentralized. What does that  
24 mean and why was it decentralized?

25 A. It was decentralized because, as much



1 as possible, we wanted to ensure that the delivery of  
2 the various programs of the Ministry were carried out  
3 and that the accountability and responsibility for  
4 carrying out those programs was as close to the field -  
5 I think we have defined that term earlier - as close  
6 to and as much a part of the field organization as  
7 possible.

8 As in paragraph 69 of the witness  
9 statement on page 27, we wanted to ensure that that was  
10 going to happen recognizing that the resource potential  
11 and that the types of traditional lands and resource  
12 uses vary widely across the province.

13 As you move across the province from west  
14 to east - I think Mr. Douglas referred to this  
15 earlier - there are different ways of doing business,  
16 there are different reactions to dealing with resources  
17 in different parts of that province; people have  
18 different views and we wanted to ensure that, being  
19 able to recognize those different views and to deal  
20 with those on site, that we had an organization that  
21 was accessible to those views and was also responsible  
22 and accountable for the decision making.

23 We also wanted to ensure in  
24 decentralizing that organization that we were  
25 decentralizing the responsibility and accountability,

1 we also decentralized the expertise of the Ministry.

2 We have spoken earlier about  
3 multi-disciplinary teams; foresters units; foresters  
4 biologists, geographers. Mr. Douglas referred to  
5 people skilled in outdoor recreational lands.

6 We wanted to ensure that those people who  
7 were actually carrying out the programs, again, were as  
8 close to the resource users that they were, if you  
9 want, in the communities and able to deal with the  
10 people and the stakeholders at that very hands-on  
11 level.

12 Q. Now, you indicated in your earlier  
13 evidence that administratively the Ministry was divided  
14 into main office, regions and districts and there are  
15 some documents in the witness statement, commencing on  
16 page 253, which do describe some of the key roles and  
17 responsibilities of those various levels.

18 I think some of that has been spoken to  
19 by the witness -- by both of you to this point in time.

20 Could you perhaps capsulize or, if  
21 necessary, add any information to what has already been  
22 given in terms of the description of roles and  
23 responsibilities?

24 A. I am not sure that I can add too  
25 much, nor do I want to take the time before the Board

1 to go through these descriptions word-by-word.

2 I think I indicated earlier in discussing  
3 the organization that there were three levels: There  
4 was the main office, the region and the district level.

5 At the main office -- the primary  
6 responsibility of main office was the development of  
7 policy. There are a number of examples that are given  
8 relative to policy on page 253.

9 The production output levels for the  
10 Forestry Program. Mr. Douglas has referred to  
11 protection against flooding and the establishment of a  
12 Resident Sport Fishing Licence. Those would be  
13 examples of that type of policy development.

14 There are also examples relative to  
15 administrative directorates, standards and technical  
16 guidelines, and also examples given relative to the  
17 monitoring. And, unless you wish, I won't spend any  
18 more time on that.

19 THE CHAIRMAN: I do not think it is  
20 necessary, Mr. Freidin.

21 MR. MONZON: The same sort of situation  
22 exists on page 254 with the roles and responsibilities  
23 of the regions.

24 Again, I believe I indicated earlier  
25 responsibility for program development and it is shown

1 here as Co-ordinate Planning and Resource Management  
2 Activity. The examples are the forecasts for seedling  
3 production over the five years over the region,  
4 schedules for preparation of park management plans.  
5 There is other examples relative to priorities and  
6 allocations of funds and staff resources, as well as  
7 technical advice that is provided at the regional level  
8 and is provided to the various districts. So, again, I  
9 won't spend time in going into those examples.

10 The districts are the locations that I  
11 believe we have indicated earlier where the program  
12 delivery takes place. This is where the resource  
13 management plans are prepared and the examples are  
14 given there, and certainly Mr. Douglas has talked to  
15 those earlier, and also some examples are listed in  
16 terms of the types of operations that are carried out  
17 by the staff at the district levels in terms of road  
18 building, operating the parks, fish stocking what have  
19 you.

20 Q. The witness statement, Mr. Monzon,  
21 also refers to interlocking, technical and management  
22 committees and that is done in paragraph 74.

23 And can you describe again just generally  
24 what those types of committees are and what their  
25 purpose is?



1                   A. I will try and describe that through  
2 the use of an examination.

3                   Given that we have this three-level  
4 hierarchial organization, it is important that there be  
5 the appropriate communication flow and communication  
6 linkages between the various levels of the organization  
7 and that there is an appropriate communication flow of  
8 information and exchange of ideas between the program  
9 staff and the line managers that are located throughout  
10 the organization.

11                  In terms of the interlocking committees,  
12 let me give you an example as to how this would work  
13 from the bottom up.

14                  Within districts you would have a forest  
15 management supervisor who would probably have a number  
16 of unit foresters reporting to him or her. They would  
17 meet regularly in terms of the day-to-day operations of  
18 the district, but from time to time they would run up  
19 against policy or technical issues that they felt  
20 required a larger scope.

21                  That forest management supervisor also  
22 sits as the district's representative on a regional  
23 forest technical committee. That technical committee  
24 is chaired by, in this case, the regional forester and  
25 would comprise all of the district forest management

1 supervisors within that region as well as a number of  
2 specialists, and we can talk to those later, if you  
3 wish.

4 That is an opportunity for those people  
5 to come together to look at the various problems that  
6 they are facing relative to operations and how to deal  
7 with issues and perhaps identify some policy concerns  
8 that they have, and it is an opportunity to get a  
9 commonality of thinking and share some ideas relative  
10 to efficiency and effectiveness in terms of how  
11 operations would best be carried out; also looking at  
12 some resolution at that level of some technical issues  
13 such as what type of mechanical equipment to use on  
14 what type of sites, and we've tried it; will it work  
15 and I use it, and that sort of thing.

16 That regional forester also sits as part  
17 of a provincial technical committee and that committee  
18 would be chaired by the Executive Co-ordinator of the  
19 forest resource group who would comprise all of the  
20 regional foresters across the province, would comprise  
21 the branch directors and the office - and we'll look at  
22 that organization shortly - and would comprise a number  
23 of other specialists, other specialists in the forestry  
24 area.

25 This, again, is an opportunity for those

1 people to come together to share some information,  
2 share some views, get some technical direction, air  
3 some problems, look at some policy issues that they may  
4 want to bring to the table, look for the need for a  
5 policy, look for the need for the revision of a  
6 particular standard that has perhaps arisen through  
7 normal operations and an opportunity for people to  
8 ensure that, in handling a problem or issue or dealing  
9 with things at a policy level, that they are doing that  
10 from a common understanding.

11 Q. Mr. Monzon, you indicated in your  
12 earlier evidence that the forest resources group is the  
13 part of the Ministry that is responsible for timber  
14 management.

15 A. That's correct.

16 Q. And there are a number of diagrams,  
17 flow charts, starting on page 256.

18 I am just wondering whether you could  
19 just take the Board through this just to give them a  
20 sense of these various positions as you indicated there  
21 will be reference to these particular people and their  
22 positions during the evidence.

23 A. I will try and do that briefly, Mr.  
24 Chairman.

25 Q. Now, Mr. Monzon is the overhead that

1       you are showing a reproduction of the document at page  
2       256--

3                   A.   That is correct.

4                   Q.   --of the witness statement?

5                   A.   Having stated I think three times now  
6       that I would like to put an overhead on, I would like  
7       to finally fulfill that obligation.

8                   THE CHAIRMAN:  We will not be giving  
9       this, I take it, a separate exhibit number.

10                  MR. FREIDIN:  I don't think it is  
11       necessary.

12                  THE CHAIRMAN:  Very well.

13                  MR. MONZON:  The chart that you have in  
14       front of you --

15                  MR. MARTEL:  Could I ask you a question  
16       just to sort of help me understand.

17                         How many staff are we talking about as we  
18       go through this whole business for this particular  
19       area?

20                  MR. MONZON:  For the forest resources  
21       group?

22                  MR. MARTEL:  Yes, if you don't --

23                  MR. MONZON:  Can I come back to you on  
24       that after lunch.

25                  MR. MARTEL:  Sure, come back to me.



1 MR. MONZON: Because I think we probably  
2 have an idea of the number.

3 MR. FREIDIN: Well, we might just be able  
4 to wait a little bit at the end of this examination.

5 I think if we go by your twelve o'clock  
6 by maybe ten minutes we won't have to come back after  
7 lunch.

8 THE CHAIRMAN: Well, are there going to  
9 be any questions from any of the other parties in  
10 support, at all, of these witnesses; do you think?

11 MR. CASSIDY: Maybe I can speak to that,  
12 Mr. Chairman.

13 Before I answer your question, I will  
14 take the time to introduce myself, the name is Cassidy,  
15 initial C. and I am appearing as one of the counsel for  
16 one of the industry associations and I anticipate that  
17 we will have some questions.

18 However, in mind with what you said  
19 earlier to Mr. Cosman's comments on Wednesday, he is  
20 prepared to conduct his questions on Monday in relation  
21 to this panel.

22 There may be no other parties in support  
23 and you may be in a position to say exactly...

24 THE CHAIRMAN: I did not know whether we  
25 would be able, Mr. Freidin, to occupy any of the time

1 after lunch for the parties in support represented by  
2 counsel which would be asking some questions of these  
3 witnesses and then start off with the  
4 cross-examinations of parties opposed on Monday.

5 I do not know whether we would be able to  
6 accomplish that, or wait until Monday and deal with the  
7 parties in support.

8 MR. FREIDIN: It just seems to me that  
9 whatever the decision, that as long as all of the  
10 parties who -- you know, whether -- well, I guess the  
11 ones in support should ask their questions before the  
12 people who are opposed.

13 THE CHAIRMAN: That's right.

14 MR. FREIDIN: So obviously Mr. Cosman  
15 would have that opportunity on Monday seeing as he is  
16 not here.

17 THE CHAIRMAN: Right. I guess he  
18 misunderstood what I was getting at on Wednesday in  
19 terms of trying to finish this off this week and  
20 starting with the actual cross-examinations, which I  
21 took to be those opposed.

22 MR. CASSIDY: You are right. Mr. Cosman  
23 was interpreting your remarks to mean any other parties  
24 either in support or opposed, other than the Ministry.

25 THE CHAIRMAN: All right. Well then, why

1 don't we just finish off.

2 MR. FREIDIN: All right. And I should  
3 indicate that it has taken a bit -- I was expecting a  
4 portion of this to take longer.

5 THE CHAIRMAN: Don't apologize if it  
6 takes less time, Mr. Freidin.

7 MR. FREIDIN: Not for that.

8 THE CHAIRMAN: The other thing...

9 MR. FREIDIN: The reason I raised this  
10 matter about timing, we can get Mr. Martel's answer,  
11 perhaps, to that question, provide it to him on Monday,  
12 if that is all right.

13 MR. MARTIN: Yes.

14 THE CHAIRMAN: The other thing we want to  
15 discuss just before the break as well, if counsel has  
16 had an opportunity to deal with when we might deal with  
17 those other issues next week that we discussed.

18 Ms. Seaborn?

19 MS. SEABORN: Yes.

20 THE CHAIRMAN: We can deal do that at the  
21 end of this testimony.

22 MR. FREIDIN: Okay.

23 MR. MONZON: Mr. Chairman, if I could  
24 direct your attention either to the chart - which  
25 having put it on I realize it is going to very

1       difficult to see - but at least to page 256 of the  
2       witness statement. You see they have the Executive  
3       Co-ordinator. There are two staff positions that  
4       report to that position, the Chief Forest Economist -  
5       and I don't think it is probably necessary to explain in  
6       great detail the function of that position - there is  
7       also a Project Manager.

8                       THE CHAIRMAN: Mr. Monzon, would you be  
9       able to name, if you know, the parties who will be  
10      appearing later - if you cannot, that is fine - so that  
11      we could write them in on this chart so we will sort of  
12      know who is who.

13                     If you have not got that information and  
14      you can't do that, that is fine.

15                     MR. FREIDIN: I think it might be fairly  
16      difficult to do that. Some of these panels are going  
17      to be nine months from now.

18                     THE CHAIRMAN: Okay. It is not  
19      necessary.

20                     Go ahead.

21                     MR. MONZON: Chief Forest Economist  
22      looking at economic issues relative to the forestry  
23      sector across Ontario. Project Manager at Sault Ste.  
24      Marie. As you may be aware, the Ministry is moving its  
25      main office forest resources group out of the City of



1 Toronto to Sault Ste. Marie and that position has been  
2 established to facilitate that move.

3 There is on the far left of the  
4 organizational chart a box entitled Manager OTIFBI with  
5 a number of positions that report to that. OTIFBI is  
6 the research arm of the forest resources organization  
7 of the Ministry. It stands for the Ontario Tree  
8 Improvement and Forest Biomass Institute.

9 As I indicated it is the research arm of  
10 the organization and one of the focuses that is on that  
11 group - and I do not intend to stop my attention to  
12 speak to all of the specifics and goings on within  
13 that - but one of the focuses within that organization  
14 now is the transfer of research knowledge to the field  
15 foresters and I believe we talked about this a little  
16 earlier in the evidence that was led yesterday.

17 There is also research work that is  
18 carried out in terms of genetics, stock production,  
19 forest biomass, see, that sort of thing.

20 The second -- or the branch that I would  
21 like to deal with within the organization is the  
22 centre, the Director of what is entitled the Forest  
23 Resources Branch.

24 This Branch - again I will not speak,  
25 unless you would like me to, to the specific areas

1        underneath it - is responsible for development of  
2        policy and program priorities for such things as  
3        regeneration across the province, it is responsible for  
4        recommending program implementation strategies.

5                You may recall a number of years ago that  
6        the Ministry was involved in some controversy relative  
7        to aerial spraying for insects and disease. So in  
8        terms of program implementation strategies that was the  
9        responsibility of that particular branch.

10               It also co-ordinates provincial planning,  
11        stock production across Ontario; how much and how quick  
12        to the various nurseries is it going to be produced at,  
13        tree improvement in line with genetics, better stock,  
14        private land forestry and there is an operational  
15        aspect of technology transfer that is co-ordinated  
16        there.

17               The third branch is the Timber Sales  
18        Branch, the title tells it all. First -- again there  
19        is the long-term policy and program priorities dealing  
20        with various forms of wood licences, licensing, wood  
21        measurements, management plan developments, and also  
22        responsible for specific guidelines and procedures on  
23        wood measurements, scaling, management plan  
24        preparation, forest inventories, et cetera.

25               Q. It would be the management planning

1 section in that particular part of the Ministry that  
2 deals with the preparation of timber management plans;  
3 is that right?

4 A. That's correct.

5 Q. Okay. The next particular diagram  
6 you have a regional -- title Typical Forest Resources  
7 (Region) Organizational Chart and could you describe,  
8 in an overview way, the responsibilities of the various  
9 positions indicated there?

10 A. Yes, if I could do that and maybe use  
11 two overheads, the first one just to set the stage.  
12 This one is just to provide the context.

13 THE CHAIRMAN: This is different than  
14 what is...

15 MR. MONZON: This is different and I will  
16 get to that.

17 THE CHAIRMAN: Well, I think you better  
18 mark this.

19 MR. FREIDIN: That one will have to be  
20 marked as an exhibit, Mr. Chairman.

21 THE CHAIRMAN: That will be Exhibit No.  
22 15.

23 MR. MONZON: Mr. Chairman, this gives  
24 just an overview of the organizational structure within  
25 a region and the purpose for putting this on is to,

1 first of all, indicate the position of the regional  
2 forester relative to the regional director who is  
3 ultimately responsible for all of the resource  
4 management activity going on within the region and also  
5 to make the point that we have talked to earlier in  
6 terms of the multi-disciplinary team aspect and the  
7 variety of resource disciplines that there are within  
8 the region, and each of these organizations has  
9 sub-organizations with staff underneath them.

10 THE CHAIRMAN: Well, I do not think that,  
11 you know, you are going into any depth on these  
12 particular overheads, but when we come across overheads  
13 like this -- these are not difficult to reproduce in  
14 hard copy; are they?

15 MR. FREIDMAN: No.

16 THE CHAIRMAN: So that I think, in  
17 fairness to other counsel, we should have these things  
18 reproduced and distributed when you review them just so  
19 that everybody can sort of have something to take away.

20 MR. CASTRILLI: Mr. Chairman, I believe  
21 this particular chart is on page 251.

22 MR. CASSIDY: Of Exhibit 6.

23 MR. FREIDIN: It is.

24 MR. MONZON: I thought that was somebody  
25 had made the comment earlier that it wasn't there, I



1       wasn't going to argue in front of the panel.

2                   THE CHAIRMAN:   Okay.   Well, let's make it  
3       clear on the record that Exhibit 15 is also reproduced  
4       on page 251 of Exhibit 6.   That takes care of that  
5       problem.

6                   MR. FREIDIN:   Or we can just remove the  
7       exhibit and indicate--

8                   THE CHAIRMAN:   Okay.

9                   MR. FREIDIN:   --on the record that all of  
10      the witness' evidence in relation to a document which  
11      was referred to as Exhibit 15 refers to a document at  
12      page 251 of Exhibit 6.

13                  THE CHAIRMAN:   Sounds better.   So done  
14      done.

15                  MR. FREIDIN:   Okay.

16                  MR. MONZON:   Mr. Freidin, to get back to  
17      your original question, sorry.

18                  This chart is shown on page 257 of the  
19      witness statement.   This represents the typical  
20      organization within the region.   The regional forester  
21      being at the head.

22                  The general responsibilities of the  
23      regional forestry organization:   Licence  
24      administration, wood measurement, things like staffing,  
25      co-ordination of silvicultural activity, management

1 planning, data collection, those sorts of  
2 responsibilities.

3 As we have indicated here, there are  
4 three specialists positions and these may be separate,  
5 as shown in this example, or they could in fact be  
6 combined.

7 I think suffice it to say there is the  
8 specialist capability that is attempted to be provided  
9 at the region in the areas of silviculture, management  
10 planning or herbicides or stock production.

11 In terms of silviculture, what we are  
12 talking about here is the co-ordination of  
13 silvicultural activities across a particular region and  
14 co-ordination between districts.

15 THE CHAIRMAN: For the purposes of the  
16 record would you just put on a definition of  
17 silviculture in your own words.

18 MR. MONZON: In essence, as defined by  
19 the American Heritage Dictionary is: the care and  
20 cultivation of forest trees. So it is the care and  
21 cultivation of the forest.

22 THE CHAIRMAN: Thank you.

23 MR. MONZON: I am sure there is a more  
24 technical forestry definition and we can provide that  
25 some other time.

1 MR. FREIDIN: Q. And what would the  
2 responsibilities of the regional specialist management  
3 planning be?

4 A. The responsibilities in that area  
5 again would be the co-ordination of management planning  
6 efforts across the region to ensure that the various  
7 standards which are set - Mr. Douglas has I think  
8 referenced - those standards are being maintained, that  
9 are going to be met in the maintenance of plans, that  
10 the planning is proceeding on schedule, that the  
11 various points of public consultation are in fact  
12 taking place and the issues are being identified and  
13 being analyzed, those sorts of duties.

14 In terms of herbicides and stock  
15 production: Co-ordination of a herbicides spray  
16 program across the region, type of herbicides to be  
17 used, to make sure that the Ministry of Environment's  
18 standards being met and the districts are aware and  
19 those sorts of things, stock production, forecasting  
20 and allocation of tree seedlings, of container stock,  
21 direction of that stock to various sites across the  
22 province.

23 Q. Okay. Now, the next page which is  
24 258 has the Typical Forest Resources District  
25 Organizational Chart and there are two actually; there

1 is one called Forest Operations Manager at 258 and then  
2 you go to the next page and it has another -- same  
3 heading except it refers to Unit Forester Line.

4 I am just wondering: Would it be helpful  
5 to refer to the district organizational chart before  
6 you deal with those in the same fashion that you just  
7 did with the region?

8 A. I think it would just to -- again,  
9 for the same reason that we used the regional chart,  
10 just to set the context.

11 MR. FREIDIN: The witness has put up an  
12 overhead reproduced at page 252 of Exhibit 6.

13 MR. MONZON: This is again an example of  
14 a district organization headed by a District Manager  
15 who, as Mr. Douglas has indicated, is ultimately  
16 responsible for the resource management activity within  
17 his or her particular district.

18 An example of the interdisciplinary  
19 nature of the supervisors and staff that carry out  
20 those programs within the district: Fish & Wildlife,  
21 Forest, Land, Finance, Parks, and each of these areas  
22 would have program staff reporting to them and involved  
23 in carrying out activities at the field level.

24 If I might, I will just leave that chart  
25 there and refer then to pages 258 and 259 of the



1 witness statement.

2 As Mr. Freidin has indicated, there is,  
3 in essence, two examples here as to how a forest  
4 resources unit within a district -- what a forest  
5 resources unit within a district could look like.

6 Either -- the first one on page 258 is a  
7 situation where you have a Forest Operations Manager  
8 with forest technical staff reporting to that manager.  
9 The one on 259, you will note that the Forest Operation  
10 Manager's position is absent.

11 The purpose in putting the two examples  
12 in the witness statement, Mr. Chairman, is to indicate  
13 that there are areas -- there is a fair degree of  
14 flexibility in terms of the way that a District Manager  
15 chooses to organize his or her district.

16 The situation on page 258, the Unit  
17 Forester positions and the Forest Technician's  
18 positions reporting to the Unit Forester positions are  
19 primarily acting in a staff capacity, and the  
20 operational aspect - we discussed, I believe, how  
21 forest staff within a district would be involved in  
22 operations of road building and silvicultural activity  
23 on Crown units - the Forest Operations manager and the  
24 forest technical staff, in that situation, wouldn't be  
25 responsible for the carrying out of those actions and

1       those activities, the Unit Foresters will be  
2       responsible for advising on the way in which those  
3       activities should be carried out.

4                   THE CHAIRMAN:  Somebody else would carry  
5       it out?

6                   MR. MONZON:  That's exactly right.  
7       That's exactly right.

8                   On page 259, with the Forest Operations  
9       Manager position absent, the forest technical staff  
10      reporting to each Unit Forester are responsible for  
11      carrying out the operations under the direction of the  
12      Unit Forester.

13                   That constitutes a change in the overall  
14      responsibilities for the Unit Forester and provides the  
15      scope and opportunity for those people, not only to be  
16      involved in the technical aspects of drawing the  
17      forest, but also to be involved in the administration  
18      aspects of people, financing, allocation, resources and  
19      so forth.

20                   MR. FREIDIN:  Mr. Chairman, just two more  
21      questions that weren't on the record or put on the  
22      record, in any event, and I would like to put it on the  
23      record.

24                   Q.  And that is, to ask Mr. Monzon what  
25      the purpose of the undertaking is?

1                   MR. MONZON: A. The purpose of the  
2                   undertaking, Mr. Chairman, is as stated on page 8 of  
3                   the Class Environmental Assessment for Timber  
4                   Management on Crown Lands in Ontario: to provide a  
5                   continuous and predictable supply of wood for Ontario's  
6                   forest products industry.

7                   Q. And could you describe then the  
8                   undertaking for which approval is sought in order to  
9                   achieve that purpose?

10                  A. The description again, Mr. Chairman,  
11                  is on page 9 of that same document. It involves the  
12                  sequence of related activities, specifically that  
13                  sequence being the provision of access to harvestable  
14                  timber, the harvesting of that timber, the renewal of  
15                  the timber resource involving site preparation for  
16                  regeneration, the regeneration, then also the  
17                  maintenance of a timber resource, involving both  
18                  tending and also protection from insects and disease.

19                  MR. FREIDIN: Thank you.

20                  THE CHAIRMAN: Thank you, Mr. Freidin.

21                  Thank you, gentlemen. You may step down  
22                  or stay there, as you choose.

23                  ---(Panel withdraws)

24                  THE CHAIRMAN: Ladies and gentlemen, just  
25                  before we break for the day and also the week, perhaps

1 we can set a time, if that has been arranged, Ms.  
2 Seaborn, in terms of dealing with the other question  
3 next week.

4 MS. SEABORN: Mr. Chairman, I have spoken  
5 to the counsel who are today and, for the purposes of  
6 allowing people notice, I was going to suggest to the  
7 Board that this matter be spoken to on Wednesday  
8 morning of next week.

9 And subject to Mr. Freidin's comment - we  
10 will be discussing it again at lunch - I don't know if  
11 he is the only one, I am not sure if he has a problem  
12 with that time.

13 MR. FREIDIN: I don't believe I have a  
14 problem with that time, Mr. Chairman.

15 THE CHAIRMAN: All right. I would like  
16 to try and settle upon some way that everybody involved  
17 is going to be notified that these issues are, in fact,  
18 going to be dealt with on Wednesday of next week.

19 When you say you have spoken to the people  
20 present; that, of course, does not include several of  
21 the parties that were identified earlier.

22 MR. FREIDIN: I was just going to rise  
23 and just raise that particular matter. The question  
24 arises as to whether, in this particular instance,  
25 people other than those people who are represented by



1       counsel should get notice.

2               THE CHAIRMAN: Well, the point is: I  
3       think every time something arises during the course of  
4       this hearing we are not going to, sort of, adjourn and  
5       send out a blanket notice to everyone. The purpose of  
6       this hearing is that people who wish to follow it on a  
7       daily basis can do so, and it is really up to them and  
8       their obligation to keep informed as to where we are in  
9       the hearing.

10              Once again, I suppose it is helpful that  
11       the media is here to perhaps indicate when some of the  
12       things are going to occur. That may not be possible at  
13       this moment. Our toll-free number - which I hope is  
14       going to be operational very shortly, and I am not  
15       positive that it is, as of yesterday it wasn't -- do  
16       you have any further information on that?

17              MR. MANDER: No.

18              THE CHAIRMAN: We have the line, we have  
19       the number, we have Bell telephone living at our  
20       premises in Toronto trying to get this line operational  
21       and, for some reason or another, the recording  
22       equipment unfortunately is not working yet.

23              Certainly the Board will undertake to put  
24       something out in connection with this starting Monday,  
25       if we can, and we will certainly endeavor to have this

1 operational by then.

2 MS. SEABORN: Mr. Chairman, in terms of  
3 notice to other parties, I don't believe this is coming  
4 before the Board as a motion from any of the parties  
5 present.

6 This is, I believe, an issue of  
7 clarification that you have asked counsel for MOE and  
8 MNR to speak to.

9 So I don't see a formal mechanism need be  
10 in place in terms of a Notice of Motion in dealing with  
11 some 56 parties that we have on the parties list.

12 THE CHAIRMAN: That is quite correct.  
13 The Board is going to have these clarifications and  
14 questions of our own from time to time and we are  
15 certainly not going to treat them all as formal  
16 motions.

17 I think it is sufficient, frankly, in the  
18 circumstances that we have allowed a certain amount of  
19 time before this issue will be dealt with, and we will  
20 endeavour to do what we can practically to advise  
21 parties of it, and I would ask all counsel present: If  
22 you are talking to your counterparts, in terms of some  
23 of the other parties, to mention it and I think we will  
24 go from there and deal with it on Wednesday as  
25 suggested.

1                   Now, in addition to that, I have got a  
2                   document that we will put on the reporter's table over  
3                   here which all of you may pick up before you leave.

4                   It is the Board's first attempt at what  
5                   we have headed a Scheduling Notice and, basically, what  
6                   we have attempted to do is indicate on this sheet -  
7                   which, by the way, is being sent around to the parties  
8                   list - what the Board is going to be dealing with or  
9                   what we hope to be dealing with, based on what the  
10                  parties have told us, for a few days ahead.

11                  We have dealt with May 12 to 13 where we  
12                  have indicated we will be dealing with  
13                  evidence-in-chief in connection with Panel 1, and then  
14                  the 16th to the 19th we have estimated, based on what  
15                  we have been told, that we would be dealing with  
16                  cross-examination and re-examination of Panel 1.

17                  May 24th to 26th we expect to be dealing  
18                  with Panel 2 starting with Mr. Armson and May 26th and  
19                  27th, possibly cross-examination of Panel 2.

20                  And we have put a caveat at the end of  
21                  this thing saying: This is based on estimates and your  
22                  up-to-date information will be available either on a  
23                  toll-free number or by contacting Mr. Mander, because  
24                  that information would be more up-to-date on a current  
25                  basis.

1                   But, in any event, this is the type of  
2                   thing we hope to be able to sort of send around from  
3                   time to time, so it will help parties who cannot attend  
4                   on a regular basis, to have some idea of where we might  
5                   be.

6                   It will be thier obligation to either  
7                   check with Mr. Mander or call our daily update - once  
8                   we get it going - to be more accurate, because things  
9                   will change in terms of times of cross-examination.

10                  MR. FREIDIN: I am just wondering, when  
11                  Mr. Mander receives information from different counsel  
12                  as to how long they are going to take -- the numbers  
13                  there don't seem to jive.

14                  I am assuming that perhaps Mr. Mander has  
15                  considered certain factors and maybe added time on or  
16                  taken time off. I am not sure how he is doing it.

17                  The only reason that I raise is is that  
18                  the amount of time that he has got for Panel No. 2 of  
19                  three days.

20                  MR. MANDER: You said two to three days  
21                  to me.

22                  THE CHAIRMAN: Well, we will try and  
23                  refine the method of forecasting with, you know, a  
24                  regular consultation process amongst the parties and  
25                  perhaps you and Mr. Mander could discuss maybe the best



1 way to do that kind of thing, Mr. Freidin.

2 MR. FREIDIN: All right. Well, he had  
3 the right estimate for this panel anyway.

4 THE CHAIRMAN: Okay.

5 The last announcement I would like to  
6 make to you is that next Wednesday - and I apologize  
7 for the Board not having it in place at this time - but  
8 next Wednesday we are going to be interviewing a young  
9 lady who will basically be responsible for the room  
10 where the public can review the documentation and we  
11 are hopefully going to be hiring her for commencement  
12 the following week - I guess the following week -  
13 whereby she will be able from 5:00 p.m. to 9:30 p.m. on  
14 a daily basis on the days we sit - which will be  
15 usually Monday through Thursday - and then we are going  
16 to have her available from 10:00 a.m. to 4:30 on  
17 Fridays, on the days we don't sit, so that that public  
18 viewing room will be open for parties to come in and  
19 review the documentation.

20 We will also consider, if necessary - if  
21 we get a demand of possibly having the public viewing  
22 room open occasionally on weekends - perhaps in advance  
23 of particular panels or something like that, if there  
24 is a demand for it. So we are certainly making every  
25 attempt so that the public can have access to the

1 documentation and exhibits after hearing hours. We  
2 will further advise you of those arrangements next  
3 week.

4 Well, if there is nothing else,  
5 I want to thank all of the parties for certainly  
6 following the Board's suggestions in terms of  
7 presenting the evidence and the witness statements and  
8 the qualification of experts process in terms of  
9 curriculum vitae.

10 I wish everyone a good weekend and we  
11 will adjourn now until Monday morning - I don't think  
12 we will get started before 11:30. Mr. Martel does not  
13 get in until about 10:45.

14 We will, as I mentioned earlier, sit  
15 fairly late on Monday, probably until seven or 7:30  
16 with the normal breaks in between to try and get in a  
17 normal hearing day or as much of it as we can.

18 MR. FREIDIN: What type of breaks would  
19 you have during the day then when we start as late as  
20 11:30?

21 THE CHAIRMAN: Well, I think if people  
22 could grab a snack before they get here, maybe we will  
23 try and break for lunch again after about an hour and a  
24 half or so of evidence, to break for the lunch break  
25 and then the normal breaks as we go through. There is



1 no sense eating lunch at 3:00 and, you know, I think we  
2 will be eating dinner late, but we will try and have  
3 lunch around one o'clock or 1:30 or something so you  
4 can have an afternoon break later in the afternoon and  
5 then break at the end of the day around seven or 7:30,  
6 just on those days we arrive late.

7 Thank you, ladies and gentlemen.

8 ---Whereupon the hearing adjourned at 2:26 p.m., to  
9 reconvene on Monday, May 16, 1988, commencing at  
11:30 a.m.

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